

WRITS JUDICIALE,

SHEWING

The Formes, Nature, and Entries of all manner
of *EXECUTIONS*, in Reall, Personall, and Mixt Actions,
as they are now used in the Court of

COMMON PLEAS:

Together with many other Judiciall Transactions; as by
Scire facias, &c. in order to *EXECUTION*.

Collected out of the Learned and Accurate Presidents of
RICHARD BROWNLOW Esq; *late Prothono-*
tary of the Court of Common Pleas.

WHEREUNTO IS ADDED,

A Collection of the Formes both of Judiciall,
and other Speciall Writs, belonging to the Practice
of the Court of

UPPER BENCH:

Extracted out of the Manuscripts of diverse Ancient and
Learned Clerks of that Court: Usefull for all Clerks, Attorneys,
and others, both Practisers and Students of the Law.

With two exact TABLES, wherein may be found the Principal
Matters therein contained.

L O N D O N,

Printed by Tho: Roycroft, for Henry Twysford, and are to be
sold at his Shop in *Vine Court*, Middle Temple, 1653.





TO THE READER.

READER,

THOV art here presented with that which is called (and that most properly) the Life of the Law, the Execution of it, or that part which fully Executes the Judgement of the Law, without which all former Proceedings in order to it, were wholly fruitlesse. This ensuing Tract treats of the Exact formes of all Judicall Writs in order to Execution; and likewise many other Speciall Writs, as the severall Cases require, incident to the Practise of the Courts of Upper Bench, and Common Pleas, in all Causes, as well Reall as Personall, and Mixt, as by Writs of Seisin, Habere facias possessionem, Capias ad satisfaciendum, Elegit, Extent, Fieri facias, Priviledge, Procedendo, &c. Scire facias in all Cases, and for and against all manner of Persons whatsoever, in Cases where that Writ is required: By which may be found the Courtesie of the Law, admonishing all parties which lye under Judgement, that they come into Court, and say, why Execution should not passe against them.

Here are also the manner of Entries of all such Writs as require Recording, and the awarding of Executions upon the Roll, with other Transactions of Law, between Judgment and Execution; very necessary to be knowne, and of dayly and frequent Use, being a Subject, whereof nothing hitherto hath beene Printed.

Farewell.

THE RIVER

87.04.99

W. B. L.

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JUDICIA LL WRITS.

Attachment.



TH E Keepers, &c. To the Sheriff of L. Greeting. Attach *A. B.* so that you may have him before our Justices at *Westminster* (such a Day certain) to answer *C. D.* who prosecutes as well for us as for himself of a plea that he render us and the aforesaid *C.* twenty pounds, which to us, and the aforesaid *C.* he owes and unjustly detaines, as the same *C.* hath informed our Justices, at *Westminster*, and that you have there, &c.

Attachment upon an Information.

Upon the back of the Writ it is written (*C. D.* followes this Writ upon the Statute, &c.

Attach *A. B.* So that you may have his body before, &c. To answer us of, and upon such things which on our behalf shall then and there be objected against him, and to do further and receive what our Court shall consider of him in that behalf; And that you have, &c.

An attachment.

Attach *R. B.* &c. So that you may have him before, &c. to answer us of a certain contempt in prosecuting in the Court Ecclesiastical contrary to our royall Prohibition, against *J. D.* as to the same *J. D.* of the Damages and injuries to him on that behalf brought, and that you have, &c.

Attachment in a Prohibition.

TH E Keepers, &c. We command you, that you attach *R. B.* &c. to answer as well us of a certain contempt by him the said *R.* to us done, as *R. C.* of certain Damages and Injuries to him by the aforesaid *R. B.* against the Tenor of our Writ of prohibition to him the said *R. B.* lately directed and delivered, whereupon he the said *R. B.*

Attachment upon a Prohibition.

in our Court stands impeached unto us, And that you have, &c.

Attachment up-
on the Statute
of Usury.

A Tach. &c. To answer us of certain Trespases and Contempt a-
gainst the form of the Statute against Usury published, whereof
he is impeached, &c.

Attachment for
a Judges clerk

James, &c. Greeting, We command you, that you attach *A. B.*
so that you may have him before our Justices at *Westminster* (such
a day certain) to answer *C. L.* one of the Clerks of *J. Glanville* one of
our Justices of the Bench, according to the Liberties and priviledges
of the same Court for the like Justices and their Clerks and other Mi-
nisters of the same Bench, from time out of mind used, and approved
in the same Court of a plea of Trespasse: And that you have,
&c.

Upon the Sta-
tute of Glouc-
ster.

A Tach. &c. To answer as well us as *R. D.* of a plea wherefore;
whereas in the Statute in the Parliament at *Glocester* lately held
amongst other things it is contained, that from the time wherein any
plea shall be moved in the City of *London* by Writ, the Tenant
should not have power to make waste or destruction of the Tenements
which is in demand, that plea hanging undetermined: and that the
same Ordinance in other Cities and Towns elsewhere throughout the
whole Realm of *England* should be observed. And whereas we, our
Writ of *forma donationis* hanging before, &c. between the aforesaid *R.*
demandant, & the aforesaid *A.* tenant of 6 messuages with the appur-
tenances in *D.* did cause the same *A.* on his part to be prohibited firm-
ly injoining him that he should not make waste or destruction in the
tenements aforesaid, nor should attempt any thing which on that be-
half might any way tend to our Prejudice, or the Damage of the a-
foresaid *R.* Contrary to the form of the Statute, or should in any
measure, presume to attempt it the aforesaid plea remaining undeter-
mined incurring danger; the aforesaid *A.* in Houses and Woods in
D. aforesaid, the aforesaid plea remaining undetermined, hath made
Waste and Destruction, as through the Information of the aforesaid
R. we have received, to the great damage of him the said *R.* and a-
gainst our royall prohibition and against the Form of the Ordination
and Statute aforesaid. And that you have there this Writ, Witness
&c.

Capias



Capias ad valentiam.

THE Keepers, &c. To the Sheriff, &c. Take into our hands of the Land of *W.* For the default of him the said *W.* to the value of one Messuage with the appurtenances in *C.* which *A.* who was the wife of *B.* in our Court before our Justices at *Westminster*, claims as her Dowry against *S.* and whereof the same *S.* in our same court calls him the said *W.* to warranty against her. And Summon by good Summoners, the afore said *W.* that he be before, &c. to hear thereupon his Judgment: And that you have there the Summoners, and this writ, witness: &c.

Capias ad valentiam, against the vouchee.

THE Keepers, &c. Take into our hands the third part of one Messuage with the appurtenances in *C.* which *A.* and *B.* his wife in our Court, &c. Claims as the Dowry of her the said *B.* against *S.* the Son and Heir of *B.* which *N.* in our Court calls to warranty being in the custody of *E.* which said Guardian in the name of the afore said heir warrants unto him: And that you summon by good Summoners the afore said *E.* that he be before, &c. (Such a return) to hear thereupon his Judgment, and that you have there then this writ, witness, &c.

The list against a Guardian.

A by *T. W.* his Attorney, offers himself the fourth day against *C.* of a plea that he should be here at this day, to wit (such a return) to warrant to him the said *A.* the Mannor of *S.* with the appurtenances which *B.* in the Kings court here claims as his right by a Writ of our Lord the King of (*Forma donationis in descender*) &c. And whereupon the same *A.* in the Kings Court, here calls the afore said *C.* summoned in the County afore said to warrant against him, And he came not, and he had his day thereupon by Effoin here at this day after summoned, &c. Therefore Judgment that there be taken in the hands of our Lord the King of the Land of the afore said *C.* to the value, &c. and whereof, &c. and day, &c. And he is summoned that he be here (such a Return) The same day is given to the afore said *B.* here, &c.

The Entry of a Capias ad valentiam.

Capias ad Satisfaciendum.

**Cash in annuity
for arrearages.**

T H E *Keepers*, To the Sheriff of *L. Greeting*, &c. We command you, that you take *A. B.* lately of, &c. if he be found within your Bailiwick, and him safely keep, so that you may have his body before our Justices of the Common Bench at *Westminster*, on the morrow of the holy *Trinity*, to satisfie *7. P.* as well of forty pounds and ten shillings, for the arrerages of a certain annuall Rent of twelve pounds to him the said *J. P.* every year at the Feasts of the Annunciation of the blessed virgin *Mary*, and *Saint Michael the Arch-Angell*, by equal portions to be paid, which said annuall Rent, he the said *J. P.* in our Court before our Justices at *Westminster*, hath recovered against him, as of sixty shillings which to him the said *J. P.* in our same Court were adjudged for his Damages which he had by occasion of the withholding the annuall Rent aforesaid, whereof he is convict, and that you have there then this Writ, witness, &c.

**Casu in the
county Palen-
tine of Chester**

TO our Chamberlain of our County Palentine of *Chester*, or to him that there holds his place Greeting. We command you that by our writ of our County aforesaid duly to be made, you cause to be commanded to the Sheriff of the County Palentine aforesaid, that he take *J. L.* lately of &c. if he be found, &c. so that he may have his Body before you, that you may be able to have the same Body before, &c. (Such a Return) to satisfie *T. N. &c.* as in others.

*In the country
Palentine of
Lancaster*

To our Chancellour of our County Palentine of Lancaster, or to him that holds the place there, Greeting. We command you, that by our writ under the Seal of the County Palentine aforesaid duly, to be made, you cause the Sheriiff of the County Palentine aforesaid, that he take, &c. So that he may have his body before you, that you the same body may have before our Justices of the Common Bench at Westminster (such a Return) to satisfy L.R. as well, &c.

**Casus to the Bi-
shop of Dunc-
lyn.**

TO the Reverend Father in Christ, *Richard* Bishop of *Dunelm*,
Or to him that holds his place there, Greeting. We command
you as we have otherwise commanded you that by our Writ under
the Seale of the Bishoprick aforesaid, duly to be made, you cause
the Coroners of our County of *Dunelm* to be commanded, that
they take *William Hilton* Knight, otherwise called, &c. if he be
found, &c. And whereupon our Sheriffs of *London* otherwise return
to

to our Justices at *Westminster*, that the aforesaid *W. H.* lies hid, wandreth and sculkes in the aforesaid County of *Dunelvn*. And because the aforesaid *W.* remaines now Sheriff of the aforesaid County of *Dunelvn*, therefore let Execution be made by the Coroners of the County aforesaid, &c. so that they have his Body before you, that you may have the same Body before our Justices of the Common Bench at *Westminster*, such a Return to satisfie, &c.

THE Keepers, &c. To the Sheriff of *D.* greeting. We command you as we have often commanded you, that you take *T. B.* &c. if he be found within your Bayliwick, and him safely keep, so that you may have his Body before our Justices at *Westminster*, in eight dayes of the holy *Trinity*, to satisfy *J. E.* Administrator of the Goods and Chattels which were of *A. E.* during the minority of *W. E.* Executor of the Testament of the same *A.* lately Executor of the Testament of *W. E.* dead, as well of a Debt of sixteen pounds, which the aforesaid *A.* in our Court lately before our Justices at *Westminster* recovered against him, as of three and thirty shillings and four pence, which to him the said *A.* in our same Court were adjudged for his Damages, which he had by occasion of the detention of that Debt, whereof he is convict: And whereupon it is considered in our same Court, that the aforesaid *J.* shall have Execution against the aforesaid *T.* of the Debt and Damages aforesaid, by the default of him the said *T.* And whereupon our Sheriffs of our City of *Excester* have returned to our Justices at *W.* from the day of the holy *Trinity*, in three weeks last past, that the aforesaid *T.* is not found in his Bayliwick, whereas it is testified in our same Court, that the aforesaid *T.* lyeth hid wandreth and sculketh in your County, and that you have there then this Writ, Witnels, &c.

Casu after a Scire facias by an Administrator of an Executor.

Command was given to the Sheriffs, that they take *H. D.* lately Cos, &c. and him safely, &c. so that they might have his Body here at this day, to wit from the day of the holy *Trinity* in three weeks, to satisfy *L. R.* as well of a certain Debt of sixty pounds, which he the said *L.* in the Court of our Lord the King, here recovered against him, as of sixty shillings, which to him the said *L.* in the same Court here were adjudged, for his Damages which he had by occasion of the detension of that Debt, whereof he is convict: And now here at this day, came the aforesaid *L.* by *E. D.* his Attorney, and the Sheriff now returns that the aforesaid *H.* is not found, &c. Therefore as formerly, Command is given to the Sheriff, that they take the aforesaid *H.* if, &c. and safely, &c. so that they may have his Body here, from the day of *Saint Michael*, in three weeks, to satisfy the aforesaid *L.* of his Debt and Damages aforesaid: And now here at this day came the aforesaid *L.* by his Attorney aforesaid, and

The Entry of a Capias indebiti

Alias capias awarded.

Testatum a-
warded to the
Sheriff of Mid-
dlesex.

and the Sheriff now returns that he is not found, &c. And upon this it is testified in the same Court of our Lord the King here, that the same H. lyeth hid, wandreth and sculketh in the County of *Middlesex*. Therefore command is given to the Sheriff of *M.* that he take him, if, &c. and safely, &c. So that he may have his Body here (such a Return to satisfy the aforesaid L. of his debt and damages aforesaid, &c. At which day here came the aforesaid L. by his Attorney aforesaid, and the aforesaid Sheriff of *Middlesex* did nothing thereupon, nor sent his Writ. Therefore as formerly let there be another Writ made to the Sheriff of *M.* thereupon in form aforesaid returnable here (such a return) At which day, here came the aforesaid L. by his Attorney aforesaid: And upon this the aforesaid L. prays the Writ of our Lord the King of *Capias* of the aforesaid H. to satisfy the aforesaid L. of the Debt and damages aforesaid to be directed to the Sheriffs of *London*, where his originall Writ first issued forth; And it is granted unto him returnable here (such a Return) &c.

A Capias ad
satisfaciendum
for debt and da-
mages.

THE Keepers of the Liberty of *England*, by authority of Parli-
ament, to the Sheriff of *S.* Greeting. We command you that you take J. S. lately of *C.* in your County Yeoman, otherwise called J. S. of *C.* in the County aforesaid yeoman; he be found in your Bailwick, and him safely keep, so that you may have his Body before our Justices of the Common Bench at *Westminster*, From the day of *Saint Martin* in fifteen dayes to satisfy *VV. M.* as well of a certain debt of twenty pound, which the same *VV.* in our Court before our Justices at *Westminster*, hath recovered against him, as of thirty shillings which to him the same *VV.* in our same Court were adjudged for his damages, which he had by occasion of the detainer of that Debt; whereof he is convict, and whereof our Sheriffs of *L.* have returned to our Justices at *Westminster*, on the morrow of *All Soules* last past, that the aforesaid J. is not found in his Bailwick, whereas it is testified in our same Court, that the aforesaid J. lyeth hid, wandreth, and sculketh in your County, And that you have there then this writ witnesse, O. *Saint Johns* at *Westminster*, &c.

The Testatum
thereupon.

The Entry of
the like process

II. Command was made to the Sheriff, that he take A. B. lately of, &c. if, &c. And safely, &c. So that he might have his body here at this day, to wit, on the morrow of the holy Trinity, to satisfy C. D. as well of a certain debt of ten pound, which the same C. in our Court here hath recovered against him, as of forty shillings which to the same C. in the same Court here were adjudged for his damages, which he had by occasion of the detainer of the same Debt, whereof he is convict: And now here at this day came the aforesaid C. D. by E. L. his Attorney, And the Sheriff now returns, that the aforesaid A. B. is not found, &c. And upon this it is testified in the same Court here, that the aforesaid A. B. lyeth
hid

hid, wandreth and skulketh in the County of Middlesex. Therefore command is given to the Sheriff of Middlesex that he take him if, &c. And safely, &c. so that he may have his body here from the day of St. Michael in three weeks, to satisfie the aforesaid C. D. of the debt and damages aforesaid, &c. At which day here came the aforesaid C. D. by his Attorney aforesaid. And the aforesaid Sheriff of Middlesex did nothing thereupon, nor sent the writ. And upon this the aforesaid C. D. prays a writ of the Keepers, &c. for taking the aforesaid A. B. to be directed to the Sheriff of L. where his originall writ first issued forth, and it is granted unto him retornable here, such a return, &c.

At which day here came the aforesaid W. by his Attorney aforesaid, And the Sheriff of the aforesaid County of M. now retornes that the aforesaid C. hath no Goods or Chattels in his Bayliwicke, which he could cause to be delivered to the aforesaid W. And that the same C. on the aforesaid from the day of Easter fifteen dayes, or ever after had no Lands or Tenements in his Baylywike, whereof hee could deliver the aforesaid W. the Maietie, as by the writ aforesaid to him it was commanded. And upon this the aforesaid W. prays a Writ of the Keepers, &c. of taking the aforesaid C. to be directed to the Sheriffs of London, where his Originall Writ first issued forth; and it is granted unto him. Therefore command is given to the Sheriffs of London, that they take the aforesaid C. if, &c. And safely, &c. So that they may have his body here on the morrow of Saint Martin, to satisfie the aforesaid W. of the debt and damages, &c.

A Capias ad satisfaciend. after an Elegit.

To satisfie B. of C. D. which to him the said B. in our Court, before our Justices at Westminster, by the discretion of the same our Justices were adjudged for his expences & costs which he sustained for that that the aforesaid (naming the Plaintiff) hath non-prosecuted his writ in a certaine plaint of debt upon demand of ten pounds by the same Plaintiff, against the aforesaid B. in our same Court, brought according to the forme of the Statute thereupon published & provided against parties Plaintiffs, which in the like pleas prosecute not their Writs, or in the same shall be procluded, whereof he is convitt: And have shew here then this Writ, &c.

A Capias ad satisfaciend. upon a Non prosecutus bre.

As in the next before, for that the aforesaid Plaintiff prosecuteth not his Writ against the said Defendant in our same Court for a certaine taking of Cattell of his the said Plaintiffs, by the aforesaid Defendant at D. in your County, in a certaine place called S. by him the said Plaintiffe brought, whereof he is convitt, &c.

The like in Replevin.

Which

*Otherwise upon Non profe.
at the Assizes.*

WHich were adjudged unto him for his damages according to the forme of the Statute, which he sustained by occasion that he the said *Plaintiff*, a certaine complaint of a Plea of taking, and unjustly detaining of Cartell, hath unjustly prosecuted, as by a certaine Jury of the Country it remains lately found, whereof he is convict, &c.

*Upon a Trespass of the case
for words.*

OF forty shillings, which to him the said *Plaintif* were adjudged for his damages which he had by occasion of the speaking, and divulging of certain scandalous words of the aforesaid *Plaintiff*, by the aforesaid *Defendant*, at C. in your County published and divulged, whereof he is convict, &c.

*Upon a Recovery in a writ
of disceit.*

TO satisfie *W. A.* of 7 l. which to him the said *W.* in our Court before our Justices at *Westminster*, were adjudged for his damages which he had by occasion that the aforesaid *T. M.* and *S.* have levied a certaine Fine in our Court before our Justices at *Westminster* of certaine Tenements in *A.* and *F.* held of the Mannor of him the said *VV.* of *A.* which is of ancient Demesne of the Crown of *England*, whereof they are convict, &c.

*For damages upon a forcible
Entrie.*

TO satisfie the *Plaintiff* a hundred shillings which the same *Plaintiff* in our Court before, &c. recovered against the *Defendant*, by occasion of a certaine Entrie by him the said *Defendant* made into one Messuage, with the Appurtenances in *M.* into which by Law there was no Entrie given to the said *Defendant* against the forme of the Statute in that case provided, whereof he is convict. And that you have, &c.

For a Fine upon a false plea.

TO satisfie us of his redemption as far as pertains to us, because he denyed his own proper writing obligatorie, which *R. G.* in our Court before, &c. produced against him under the name of him the said *W.* whereof he is convict, &c.

*Otherwise where for a
Trespasse.*

TO satisfie us for his redemption, because it to us pertains by occasion of a certaine Trespasse by *J. A.* to one *E. L.* by force and armes, and against our Peace at *H.* in your County brought, whereof he is convict, &c.

For damages in an Ejectione Firme.

TO satisfie *W. L.* of 8 l. which to him the said *W.* in our Court, before our Justices at *Westminster* were adjudged for his damages which he sustained by occasion of a Trespasse, and strong Ejection to him the said *W.* by the aforesaid *J.* by force and armes, and against our Peace at *C.* in your County brought, whereof he is convict, &c.

The

THe Keepers, &c. *Greeting.* We command you that you take *T. L.* who prosecutes as well for us as for himselfe, if, &c. To satisfie *A. B.* of forty shillings, which to him the said *A.* in our Court before, &c. were adjudged for his Expences and Costs which hee sustained by occasion, that the aforesaid *T. L.* prosecuted not his Information in a certain plea of debt upon demand of 100. l. by the same *T.* against the said *A. B.* in our same Court before our Justices at *Westminster*, exhibited according to the forme of the Statute (against parties Informers, who prosecute not their Informations in the like playnes, or in the same shall be precluded) provided for, whereof he is convict, &c.

For damages upon Non prof. against a common Informer.

TO satisfie, &c. were adjudged for his damages which he had by occasion of a certain promise by him the said *VV.* to him the said *E.* made and unperformed, whereof he is convict, &c.

For damages upon breach of promise.

TO satisfie *VV. L.* of 40. l. which to him the said *VV.* in our Court before our Justices at *Westminster*, were adjudged for his damages which he had by occasion, that the aforesaid *E. B.* held not to him the the said *VV.* his Covenant between him the said *W.* and the aforesaid *E.* made according to the force, forme, and effect of certain Indentures thereupon between them made, whereof he is convict &c. And that you have, &c.

For damages upon an action of Covenant.

TO satisfie *L. R.* as well of three quarters of Barley which he the said *L.* in our Court before our Justices at *Westminster* hath recovered against him, or of a hundred shillings, for the value thereof, as of sixty shillings which to him the said *L.* in our same Court were adjudged for his damages which he had by occasion of the detaining of the Barley aforesaid whereof he is convict: And that you have, &c.

where it is as well for the value as for damages.

TO satisfie *J. S.* of five pound which to him the said *J.* in our Court before our Justices at *Westminster* were adjudged for his damages, which he had, by occasion that the aforesaid *E.* and *A.* certain Cattell of him the said *M.* which he the said *J. S.* in his Fee at *S.* by *J. A.* and other his Servants for customes and services to him the said *J. S.* due, had caused to be taken, and which the same *J. A.* and other his servants, according to the Law and custome of our Realme of *England*, they would have impounded by Force and Armes they did recue against our peace, whereof he is convict. &c.

For damages upon a Rescue

TO satisfie as well us as *A. B.* of a certain debt of a hundred pound, which he the said *A.* as well for us as for himself in our Court before,

upon an information.

fore, &c. Hath recovered against him as of forty shillings which to him the said *A.* who prosecutes as well for us as for himself in our same Court were adjudged for his damages, which he had by occasion of detaining of the same Debt whereof he is convict; &c.

For Debt and
the value in de-
btor.

TO satisfy *J. B.* as well of a debt of eight pound which he the said *J. B.* in our Court before, &c. recovered against him as of forty pounds, which to him the said *J.* in our same Court were adjudged for the value of ten quarters of Wheat which the aforesaid *J.* in our same Court recovered against him because the aforesaid *J.* in our Court recovered against him, because the aforesaid *J.* could not have the delivery thereof against the aforesaid *T.* as you your self have returned to our Justices at *Westminster* (Such a Return last past) is also of forty shillings which to him the said *J. B.* in our same Court were adjudged for his Damages which he sustained by occasion of the detention, as well of the debt, as of the aforesaid ten quarters of wheat, whereof he is convict: And that you have, &c.

For a just upon
forging of meast

TO satisfy us for his Fine and Redemption as pertaining to us, for that divers Deeds and Monuments of a hundred acres of Land with the appurtenances in *D.* to disturb the possession and title of one *T.* in the Tenements aforesaid at *E.* he did devise, forge, pronounce, publish, and cause to be read against the form of the Statute in this case provided, whereof he is convict, &c.

Where upon the
Statute for for-
gery.

TO satisfy, &c. which were adjudged, &c. for his Damages which he had by reason of a certain Trespass and contem-
pnynt the form of the Statute of *Edward the third* against Ser-
vants, published and provided by the aforesaid Defendant to him the said Plaintiff at *G.* in your county brought, whereof he is convict, &c.

Where for the
trespass and de-
mages.

Which were adjudged, &c. for the value of ten quarters of Bar-
ley, which the said *A.* in our same Court recovered against him
as of forty shillings, which to him the said, in our same Court were
adjudged for his damages which he had by occasion of the detention
of the Barley aforesaid, whereof he is convict, &c.

Upon Trespass
upon the Case.

TO satisfy *A. B.* of eight pound, which to him the said *A.* in our
Court before our Justices at *Westminster* were adjudged unto him
for his Damages which he had, by occasion of a certain Trespass up-
on the case to him the said *J.* by the aforesaid *A.* in your county
brought, whereof he is convict, &c.

Where

V Hereof he is convict: And whereupon it is considered in our same Court, that the aforesaid *A.* have Execution against the aforesaid *T.* of the Debt and Damages aforesaid by his the said *T.* Default: And that you have, &c.

where after a
Scire facias.

To satisfy *E.* as well, &c. which the same *E.* and one *H.* now dead; which the same *E.* over-lived: In our Court before, &c. recovered against him as of forty shillings which to the same *E.* and *H.* in our same Court were adjudged; &c: Whereof he is convict, &c: And whereupon it is considered in our same Court, that the aforesaid *E.* have Execution against the aforesaid *T.* of the Debt and Damages aforesaid by his the said *T.* default: And that you have, &c:

where it is for
the Survivor.

Attach *A:* *B:* one of the Attorneys of our common Bench, So that you may have him before, &c: (Such a day certaine) to satisfy *R;* *D:* (as in other Executions:

Attachment ad
Satisfaciendum against
an attorney.

The Keepers, &c: Greeting, whereas lately we commanded you by our Writ, that of the Goods and Chattells (reciting the *Fifa*) and that you should have that money before our Justices, at *Westminster* (Such a Return last past) to render the aforesaid *T.* of his Debt and Damages aforesaid whereof he is convict: And you at that day returned to our Justices at *Westminster*, that Goods and chattells which were the aforesaid *C.* at the time of the Death of the same *C.* to the hands of the aforesaid *A.* came to be administred, and that he the said *A.* all the same Goods and chattells before the coming of the said Writ, had wasted and converted to his own proper use by which you could not cause to be levied the debt & damages aforesaid or any partell thereof: Therefore we command you, that you take the aforesaid *A.* and him safely keep, so that you may have his Body before, &c: (Such a Return) to satisfy the aforesaid *T.* of the Debt and Damages aforesaid: And that you have there, &c:

where it is after a devastavit returned upon a Fieri facias.

Certiorare.

The Keepers, &c: To our Steward of our Court of Record, of our Town of *E.* Greeting. Whereas *T. C.* lately in our court before our Justices at *Westminster* had impleaded *A.* for that the same *A.* did unjustly detain and not render to him the said *T.* eight pound which he ought and unjustly detained, for that the same *T.* did unjustly detain and not render to the said *T.* eight pound which he ought and unjustly detained, for that the same *T.* otherwise in our court of Record of our Town of *E.* aforesaid, held there,

where it is to a Steward of an Inferiour court and there is Nulliel, record pleaded upon an action of debt brought upon an escape against the Plaintiff.

fore, &c. Hath recovered against him as of forty shillings which to him the said *A.* who prosecutes as well for us as for himself in our same Court were adjudged for his damages, which he had by occasion of detaining of the same Debt whereof he is convict; &c.

For Debt and the value in dayner.

TO satisfie *J. B.* as well of a debt of eight pound which he the said *I. B.* in our Court before, &c. recovered against him as of forty pounds, which to him the said *I.* in our same Court were adjudged for the value of ten quarters of Wheat which the aforesaid *I.* in our same Court recovered against him because the aforesaid *I.* in our Court recovered against him, because the aforesaid *I.* could not have the delivery thereof against the aforesaid *T.* as you your self have returned to our Justices at *Westminster* (Such a Return last past) as also of forty shillings which to him the said *J. B.* in our same Court were adjudged for his Damages which he sustained by occasion of the detention, as well of the debt, as of the aforesaid ten quarters of wheat, whereof he is convict: And that you have, &c.

For a fine upon forging of deeds

TO satisfie us for his Fine and Redemption as pertaining to us, for that divers Deeds and Monuments of a hundred acres of Land with the appurtenances in *D.* to disturb the possession and title of one *T.* in the Tenements aforesaid at *E.* he did devise, forge, pronounce, publish, and cause to be read against the form of the Statute in this case provided, whereof he is convict, &c.

Where upon the Statute for servants.

TO satisfie, &c. which were adjudged, &c. for his Damages which he had by reason of a certain Trespasse and contempt against the form of the Statute of *Edward the third* against Servants, published and provided by the aforesaid Defendant to him the said Plaintiff at *C.* in your county brought, whereof he is convict; &c.

Where for the value and damages.

WHich were adjudged, &c. for the value of ten quarters of Barley, which the said *A.* in our same Court recovered against him as of forty shillings, which to him the said, in our same Court were adjudged for his damages which he had by occasion of the detention of the Barley aforesaid, whereof he is convict, &c.

Upon Trespasse upon the Case.

TO satisfie *A. B.* of eight pound, which to him the said *A.* in our Court before our Justices at *Westminster* were adjudged unto him for his Damages which he had, by occasion of a certain Trespasse upon the case to him the said *I.* by the aforesaid *A.* in your county brought, whereof he his convict, &c.

Where

V Hereof he is convict: And whereupon it is considered in our same Court, that the aforesaid *A.* have Execution against the aforesaid *T.* of the Debt and Damages aforesaid by his the said *T.* Default: And that you have, &c.

where after a
Scire facias.

To satisfie *E.* as well, &c. which the same *E.* and one *H.* now dead; which the same *E.* over-lived: In our Court before, &c. recovered against him as of forty shillings which to the same *E.* and *H.* in our same Court were adjudged; &c: Whereof he is convict, &c: And whereupon it is considered in our same Court, that the aforesaid *E.* have Execution against the aforesaid *T.* of the Debt and Damages aforesaid by his the said *T.* default: And that you have, &c:

where it is for
the Survivor.

Attach *A:* *B:* one of the Attorneys of our common Bench, So that you may have him before, &c: (Such a day certaine) to satisfie *R;* *D:* (as in other Executions:

Attachment ad
Satisfaciendum
against
an attorney.

The Keepers, &c: Greeting, whereas lately we commanded you by our Writ, that of the Goods and Chattells (reciting the *Fisa*) and that you should have that money before our Justices, at *Westminster* (Such a Return last past) to render the aforesaid *T.* of his Debt and Damages aforesaid whereof he is convict: And you at that day returned to our Justices at *Westminster*, that Goods and chattells which were the aforesaid *C:* at the time of the Death of the same *C:* to the hands of the aforesaid *A:* came to be administred, and that he the said *A:* all the same Goods and chattells before the coming of the said Writ, had wasted and converted to his own proper use by which you could not cause to be levied the debt & damages aforesaid or any partell thereof: Therefore we command you, that you take the aforesaid *A:* and him safely keep, so that you may have his Body be ore, &c: (Such a Return) to satisfie the aforesaid *T.* of the Debt and Damages aforesaid: And that you have there, &c:

where it is af-
ter a devasta-
vit returned
upon a Ficti
facias.

Certiorare.

The Keepers, &c: To our Steward of our Court of Record, of our Town of *E:* Greeting. Whereas *T. C.* lately in our court before our Justices at *Westminster* had impleaded *J.* *H.* for that the same *J.* did unjustly detain and not render to him the said *T.* eight pound which he ought and unjustly detained, for that the same *T.* did unjustly detain and not render to the said *T.* eight pound which he ought and unjustly detained, for that the same *T.* otherwise in our court of Record of our Town of *E.* aforesaid held there,

where it is to a
Steward of an
inferiour court
and there is
Nuclei, record
pleaded upon
an action of
debt brought
upon an escape
against the Bar-
liff.

there, to wit (Such a day, &c.) (before R. R. then Steward of the Court aforesaid, by vertue of our Letters patents to him thereupon made) had levied a certain plaint against one W. G. the elder of a plea of Debt upon demand of five pound, and had found pledges of prosecuting of his Plaint aforesaid, to wit J. D. and R. R. and then and there prayed processe to be made against the said VV. G. according to the custome of the Court aforesaid, by which then and there it was commanded to him the said J. H. then Bailiff of the Liberty aforesaid, and Minister of the Court aforesaid, that he should attach the aforesaid VV. G. that he should be at the next Court there before the Steward of the aforesaid Court (Such a day then next following) to be held to answer him the said T. C. of the aforesaid plea, &c. The same day was then given to the aforesaid T. there, &c. At which said next Court (to wit the aforesaid such a day and year) before the aforesaid R. R. Steward of the Court aforesaid, there came as well the same T. C. as the aforesaid VV. G. in their proper persons; and the aforesaid T. then and there put in his place E. L. against the aforesaid VV. G. of the aforesaid plea, and the aforesaid J. H. Bailiff and Minister of the Court aforesaid, then and there returned; that he had attached the aforesaid VV. G. and that he had then and there his Body ready to answer to him the said T. of the aforesaid plea, upon which he the said T. C. declaring against the aforesaid VV. G. upon his plaint aforesaid, said that the aforesaid VV. did not render to him the said T. the aforesaid 5*l.* which he then ought him, and unjustly detained, for that, that is to say, that whereas the aforesaid VV. (such a day and year) at E: within the Jurisdiction of the Court, borrowed of the aforesaid T. C. the aforesaid five pound, to be paid to him the said T. when he should be thereunto required, yet the aforesaid VV. although often required the aforesaid five pound to to him the said T. before that had not rendred, but the same to him as then to render had denied, and at that time did deny, whereupon he said that he was the worse, and had damage to the value of forty shillings, and thereupon then brought his Suit, &c. And the aforesaid VV. by T. L. his then Attorney, then and there defended the force and injury when, &c. and then said that he ought not the aforesaid T. C. the aforesaid five pound; nor any penny thereof in manner and Form as the aforesaid T. C. had above against him complained, and upon this he put himself upon the country and the aforesaid T. in like manner: By which it was then commanded to the aforesaid J. H. Bailiff of the Liberty aforesaid, and Minister of the court aforesaid, that he should cause to come before R. R. Esquire, then Steward of the court aforesaid of our said Lord the King of Record within the Town of E: aforesaid, at the next court there to be held, that is to say, (such a day) then next following, twelve free and lawfull men of the Visage of E: aforesaid, within the

the Jurisdiction of that Court, by whom, &c. And who neither, &c. to make, &c. a certain Jury of the countrey between the parties of the aforesaid plea, because as well the aforesaid T. as the aforesaid W. between whom, &c. had put themselves up on that Jury; At which said next Court, to wit (the aforesaid such a day and year) the aforesaid J. H. Bailiff and Minister of the Court aforesaid, then returned into the Court, the aforesaid Writ of *Venire facias*, XII. &c. Together with the pannell of the names of the aforesaid Jury between the parties aforesaid impannelled in all things then served and executed, which said Jurors being solemnly required then came. Thereupon the Jury between the parties aforesaid, of the aforesaid Plea was put thereupon in respit between them, until the next Court, there to be held such a day then next following, for default of Jurors, because none there then came, command was given to the aforesaid J. H. Bailiff of the Liberty aforesaid, and Minister of the Court aforesaid, that he should then have the Bodies, &c. At which said next Court, to wit (such a day &c.) came as well the aforesaid T. C. as the aforesaid W. by their Attorneys aforesaid, and the Jury aforesaid thereupon impannelled being required, in like manner came, who to speak to the truth of the above contained, chosen, tryed, and sworn, said upon their Oathes, that the aforesaid W. ought to him the said T. C. the aforesaid five pound in manner and form, as the same T. C. above against him complained, and they assesse the Damages of him the said T. by occasion of the detention of that debt unto one penny, and for his Expences and costs unto two pence: Therefore it was then considered in the same court that the same T. C. should recover against the aforesaid W. his debt aforesaid, as also sixty shillings which, &c. were adjudged, &c. And that the aforesaid W. should be then in mercy, &c. as by the Record thereupon in the Court of our said Lord the King of E. aforesaid residing, it more fully appears. Afterwards, to wit such a day, &c. the same T. upon his Judgment aforesaid, did sue forth and prosecute out of the aforesaid Court, one certain precept of *Capias ad satisfaciendum*, against the aforesaid W. to the aforesaid J. H. then being Bailiff of the Liberty aforesaid, and Minister of the Court aforesaid directed, by which said precept it was commanded him the said then Bailiff, that he should take the aforesaid W. if, &c. And him safely, &c. So that he might have his body before the Steward of our aforesaid Court of Record within the Town of E. aforesaid, at the next Court there to be held, to satisfie him the said T. C. of the aforesaid five pound of Debt, as also of the aforesaid sixty shillings of his Damages, which he had sustained, as well by occasion of the detention of the same debt, as for his expences and Costs by him about his Suit in that part laid out, whereof as aforesaid he was convicted, as it appeared upon Record to the same Court; which said precept the aforesaid T. C. afterwards, to wit (Such a day &c. at E. aforesaid within the

the Liberty aforesaid delivered to *J. H.* then being Baylliff of the Liberty aforesaid; and Minister of the Court aforesaid, in form of Law to be executed: By vertue of which Precept, he the said *J. H.* afterwards and before the return of the aforesaid Precept, to wit (Such a day and year aforesaid at *E.* aforesaid, the aforesaid *J. H.* then being Baylliff of the Liberty aforesaid, took and arrested the Body of the aforesaid *W.* and him the said *W.* in his Custody, in Execution for the Debt and Damages aforesaid, then and there had and kept the aforesaid *W.* so being in Execution for the Debt and Damages aforesaid, in form aforesaid, the aforesaid *I. H.* after, to wit (Such a day &c.) then being Bailiffe of the Liberty aforesaid at *E.* aforesaid, him the said *W.* from his custody to go at large, free, whether he would he did permit the said *T. C.* of his debt and damages aforesaid, in the whole amounting to eight pound altogether unsatisfied: By which the action did accrue to him the said *T. C.* to require and have of the aforesaid *I. H.* the aforesaid eight pound, yet the aforesaid *I. H.* although often required the aforesaid eight pound to him the said *T. C.* he hath not rendred; but the same to him as then to render he did deny, and as yet denieth, whereupon he then said that he was the VVorse, and had Damage to the Value of ten pounds; and thereupon he then brought his Suit. And the aforesaid *I. H.* by *I. G.* his Attorney, in our Court aforesaid before our Justices aforesaid appeareing, said, That there was no such Record as had of the recovery of the Debt and Damages aforesaid between the aforesaid *T.* and the aforesaid *W.* in our Court of the Towne of *E.* aforesaid remaining, as the aforesaid *T.* hath above alleadged. To which the aforesaid *T.* by replication said, that there is had such a record of the Recovery of the debt and damages aforesaid between him the said *T.* and the aforesaid *W.* in our Court of the Towne of *E.* aforesaid, as the same *T.* hath above alleadged: Upon which he the said *T.* prayes our Writ to you to be directed, to certifie our Justices at *Westminster* whether there be had any such Record of the recovery of the Debt and Damages aforesaid in your custody remaining, which is granted unto him. Therefore We command you for the certifying of the Premises, that searching of the Rolls and other the Remembrances of the Records aforesaid of that time in your Custody then being, you make it appeare to our Justices at *Westminster* (such a Returne) whether in your custody there be had any such Record of the recovery of the Debt and Damages aforesaid as is aforesaid: And that you have, &c.

Certiorare to the Justices of the Peace to certifie a conviction for Recusancy.

THE Keepers, &c. To our Justices of Peace in our County of *Middlesex* to be kept, as also assigned to heare and determine of *divers Felonies, Trespasses, and other Misdemeanors* committed in the same our County, and to every of them greeting. Whereas *T.* *P.* who

T. who is well for us as for himselfe prosecutes, came lately in his proper Person into our Court, before our Iustices at *Westminster*, and as well for us as for himselfe exhibited a certain *Information* against *A.* T. lately of, &c. Widow, by which said *Information* the same T. gave to our Court there to understand and be informed that the aforesaid *A.* (such a day and yeare) being above the age of sixteen years from the same (such a day and year) unto the day of the exhibiting the *Information* aforesaid, that is to say, by the space of 11, whole moneths, did not repair, nor endeavour her selfe to repair to the Church of *D.* aforesaid, nor unto any other Church, Chappell, or usual place of Common-prayer, and there remain orderly and soberly during the time of Common-prayer, Preaching, or other Divine Service there used and administred: but by the whole time aforesaid, that is to say, by the space of the aforesaid 11, whole moneths and more, at the Parish aforesaid, in the County aforesaid, having no lawfull excuse, did abstain from the same, contrary to the form of the Statute in that case made and provided. Whereupon the aforesaid T. P. as well for us as for himselfe, desires the advisement of our Court aforesaid in the premises, and due processe of Law against the said *A.* in that behalfe to be made. and that the aforesaid *A.* may be thereof lawfully convicted, and for her offence aforesaid may forfeit 10 *l.* of lawfull money of *England*, that is to say, 10 *l.* for each moneth of the aforesaid 11. moneths, and that he may have one third part thereof, according to the form of the Statute aforesaid: And that the aforesaid *A.* may come here into Court to answer of, and upon the Premises: And the aforesaid *A.* in our same Court appearing, said, that the Statute aforesaid in the *Information* aforesaid above specified was made in the *Parliament* of our Lady *Elizabeth* late Queen of *England* in the 23. year of her Reign: And that after the publishing of that Statute, to wit, in the *Parliament* of the same late Queen held at *Westminster* aforesaid the 29. day of *October* in the 27. yeare of her Reign, amongst other things it was Enacted by authority of the same *Parliament*, that every Offender by not coming to divine Service, but abstaining from the same, contrary to the Statute of the 23. yeare of the late Queen, which from thence shall happen to be thereof once convict in the Terms of *Easter*, or of *St. Michael*, which shall next happen after such a conviction, should pay into the Receipts of the *Exchequer* of the late Qu: according to the rate of 10 *l.* for each moneth, which should be contained in the *Indictment*, upon which such Conviction should be: And also for every moneth after such Conviction, without any other *Indictment* or Conviction, should pay into the Receipts of the *Exchequer* aforesaid at two times in the year, that is to say, the Term of *Easter*, and the Term of *St. Michael* so much as then remained unpaid according to the rate of 10 *l.* for each moneth after such conviction. And if default should be made

in any part of any payment aforesaid against the form of the same Statute of the 27. yeare aforesaid limited? That then and so often the aforesaid late Queen ought and might by processe out of the aforesaid Exchequer take, seize, and enjoy all their goods, and two parts as well of all Lands, Tenements, and Hereditaments, Leases and Farms of such Offenders, as all other Lands, Tenements, and Hereditaments chargeable, with such *seizure* or penalty aforesaid by the true intention of the same Act, leaving the third part only of the same Lands, Tenements, and Hereditaments, Leases and Farms for the maintenance and reliefe of the same Offenders, their Wives, Children, and Familie: And that after and before the exhibiting of the *Information* aforesaid at the delivery of our Gaole of *Newgate*, held for the Countrey of *Middlesex* at Justice Hall in the *Old-Baily* in the Parish of *St. Sepulchers*, in the Ward of *Farringdon* without the City of *London* (such a day and yeare) before *T. C. Knight*, then Mayor of the City of *London*, and others his Companions, our Justices assigned for our Gaole of *Newgate* aforesaid, for the Prisoners therein then being for the Countrey of *Middlesex* The aforesaid *A. T.* for that the same *A.* (such a day and yeare) was of the age of sixteen yeares and upwards, and did not repair to her Parish Church of the Parish of *Saint B.* in the Countrey of *Middlesex* aforesaid, nor unto any Church, Chappell, or usuall place of Common prayer at any time within six moneths next following the said first day of *January*, in the 7. yeare aforesaid, but abstained from them from the aforesaid first day of *January* in the 7. yeare of our Reign aforesaid, by the space of six moneths aforesaid from thence next following the aforesaid first day of *January* against the tenor of the aforesaid Act in the Parliament of the said late *Qu:* in the first yeare of her Reign for Uniformity of Common prayer: and against the form of the Statute in the *Parliament* of our said late *Qu:* in the 23. yeare of her Reigne, the like Case lately published and provided, and against our Peace, Crown, and Dignity. Upon which said Indictment, so as aforesaid found at the same generall Gaole-delivery before our aforesaid Justices of the Peace then and there as aforesaid held, publique Proclamation was made, that the aforesaid *A. T.* should render her body to the Sheriff of the aforesaid Countrey of *Middlesex* before our then next Gaole delivery for the aforesaid Countrey of *Middlesex* to be held to answer us of the premises whereof as aforesaid she then stood indicted, according to the form of the Statute in that Case made and provided. At which said then next Gaole delivery held for the Countrey of *Middlesex* aforesaid, at Justice Hall aforesaid (such a day and yeare) before the aforesaid *T. C. Knight*, then Mayor of the City of *London* aforesaid, and other his Companions, our Justices assigned for the delivery of our Gaole for the Countrey of *Middlesex* of the Prisoners therein being, the aforesaid *A. T.* did not render her body according

to the proclamation aforesaid, so as aforesaid made, nor appeared upon record, by which the same *A.* on the premises whereof as aforesaid the said indicted was lawfully convicted according to the form of the Statute in that case made and provided: And the same *A.* further said, that shee in *Easter Term*, next after her conviction aforesaid, paid not into the *Exchequer* aforesaid, according to the rate of ten pound, for each Month contained in the Indictment aforesaid, upon which the conviction aforesaid was had nor paid after such conviction, so much as then remained unpaid according to the rate of ten pound for each moneth after such Conviction; but thereof made default: Which said conviction afterwards, to wit in the *Term of Easter* then next following, by the aforesaid *T. C. Knight*, then Mayor of the City aforesaid and his Companions our Justices before whom the Record of the Conviction aforesaid was remaining in our Court of *Exchequer*, at *Westminster* then being, was extreated and certified according to the Form of the statute thereupon published and provided: by which we by vertue of the conviction aforesaid and of the certifying, and by vertue of the aforesaid Statute of the twenty eighth year of the late *Queen Elizabeth* by procelle out of our aforesaid Court of *Exchequer*, might take, seize, and injoy, and long before the aforesaid time, in which the information aforesaid was exhibited, and alwaies after might seize all Goods and two parts as well of all Lands, Tenements, and hereditaments, Leases, and Firmes, of her the said *A. T.* as all other Lands, Tenements, and Hereditaments, liable to seizure and penalty aforesaid, by the true intention of the aforesaid Act of the twenty eighth year aforesaid, that is to say, as well for sixty pounds for the aforesaid six months in the Indictment aforesaid above specified, as ten pound for each month then next following unto the day of the exhibiting the Information aforesaid, and alwaies after; for which said penalties and sums of money, all the goods and two parts of all lands, tenements, and hereditaments, leases, and arms of her the said *A.* as yet remain liable to the seizure and penalty aforesaid. And this the same *A.* was ready to aver whereupon she then prayed Judgment, whether the aforesaid *T. P.* who as well, &c. by occasion of the premises, in the Information aforesaid above specified, ought to sue or implead her, To which the aforesaid *T. P.* by Replication saw that there was not any such record had of the conviction aforesaid, as the aforesaid *A.* by pleading hath alleadged: And the aforesaid *A.* rejoyning, said, that there was such a Record of the conviction of her the said *A.* as shee the said *A.* had by pleading above alleadged, upon which the same *A.* prayed our Writ to you to be directed, to certifie our Justices at *Westminster*, whether or no there be remaining in your Custody any such Record of the conviction aforesaid which is granted unto her: Therefore we command you for the certifying of the premises, that searching

of the Rolls and other the remembrances, of the aforesaid Records, of the time aforesaid in your custody now being you make it to appear to our Justices at *Westminster* in eight dayes after *Saint Hilary* whether in your custody or alhy of you: here be had any such Record of the conviction aforesaid, of the aforesaid *A.* as is aforesaid or no, And that you have there then this writ: witnesse, &c.

Consultation.

JAMES, &c. To the Venerable *D. D.* Knight, Doctor of Law, &c. Greeting. Whereas it was lately shewen unto us in our Court be fore our Justices at *Westminster* on the behalf of *A.* *D.* that whereas within the parish of *F.* in the County of *C.* there was, and time out of mind there hath been as well a Rectory of the parish Church of *F.* aforesaid, as a Vicaridge of the same Church, endowed with certain Tithes and other Emoluments within that parish, the bounds and titheable places of the same parish growing and arising, And whereas also (as it is in the surmise) yet one *T. L.* &c. not ignorant of the Premises, but plotting, &c. against the due form of the Law of this Kingdome, and against the form, &c. unjustly to greive, oppresse, and weary our, he the said *W.* in the Court Ecclesiasticall before you, of and for the substracting, &c. have drawn into plea, and him the said *W.* in the same Court Ecclesiasticall before you by reason of the premises, have most unjustly bound to appear, and to answer him the said *T. B.* of and upon the premises; And although he the said *W.* each year of the yeares aforesaid at *F.* aforesaid was ready, and offered to pay to him the said *T.* &c. (as in the Surmise) and although also he the said *W.* in the aforesaid Court Ecclesiasticall before you all, and singular the premises, in the suggestion aforesaid above specified in his discharge of the payment of the tithes aforesaid, by the aforesaid *T.* in the aforesaid Court Ecclesiasticall as aforesaid demanded against him the said *T.* hath pleaded, and the same by inevitable testimony and proof hath offered to proove, yet you have altogether refused to admit or receive his plea, allegation, and proof. And the aforesaid *T.* him the said *W.* by definitive sentence of the aforesaid Court Ecclesiasticall, of, and upon the premises to condemne, and to the payment of the tithes aforesaid in the same Court Ecclesiasticall demanded, do indeavour to compell withall your might, and dayly contrive it in our contempt, and his the said *W.* great Damage, Prejudice and impoverishment, and manifest greivance, and against the Form of the Statutes, Customes, and laudable prescriptions aforesaid: Whereupon he the said *W.* humbly imploring the help and munificence of our Court, prayed Remedy, and our Writ of Prohibition thereupon to you lately to be directed, by which wee lately prohibited

ted you and every of you, that you should not hold plea before you against the said *W.* upon the premises, nor should nor attempt any thing thereupon which might any waies tend to the Damage prejudice or greivance of him the said *W.* under the danger of incurring the paine of the Violaters of our Law, and that if yee have pronounced any sentence against him, you should recall it and altogether absolve him; By vertue of our which said writ of Prohibition you did forbear, and as yet do forbear any further to proceed in the Court Ecclesiasticall in the cause aforesaid *T. P.* his great losse, and the manifest hurt of the Ecclesiasticall Liberty: Notwithstanding because it sufficiently appeares to our Justices at *Westminster*, that the Cognizance of the cause aforesaid belongs to the Ecclesiasticall court; therefore we signifie unto you that in the cause aforesaid between the parties aforesaid, with meet celerity you proceed according to the Ecclesiasticall Lawes, and to do further in the premises which to the Ecclesiasticall authority you shall know to pertain our aforesaid Writ of prohibition to you thereupon to the contrary directed in any thing not hindring, Witnesse, &c.

Greeting. Whereas *J. C. Deane, &c.* lately in our Court before, &c. had impleaded *E. P.* of &c. Clark, for that he render them twenty pound, which he ought them, and unjustly detained as they said, the same Dean and Chapter plotting us and our Crowne, to disinherit the aforesaid *E.* in the Court Ecclesiasticall upon certain causes, touching the debt aforesaid before you, dayly draw into plea and by your Ministers upon that occasion caused to be cited, and to appear before you: and to make answer with all their might, endeavour, and diverse sentences of Excommunication against the aforesaid *E.* upon the premises to pronounce, proposing plotting to draw that plea which belongs unto us, and not unto you unto the Court Ecclesiasticall to his the said *E.* his great Damage, and the manifest danger of disinheriting us of our Kingly Crowne, and against the law and custome of our Realm: Whereupon he the said *E.* humbly imploring the help, &c. (as in the former) to absolve him. By vertue of which said Writ of prohibition to you directed, you did forbear any further to proceed, &c. in the Cause aforesaid, to the aforesaid *J. C. &c.* his great Losse, and the manifest hurt of the Liberty Ecclesiasticall: We unwilling that the cognizance of the cause so far as belongs to Ecclesiasticall Jurisdiction, by our Writ of prohibition should be taken away, do signifie unto you, that in the causes aforesaid in the Court Ecclesiasticall, you may lawfully proceed, and enabled to do what you shall know to belong to the Ecclesiasticall Jurisdiction: Our aforesaid Writ of prohibition thereupon to you formerly directed in any thing not hindring, Witnesse, &c.

*Consultation
upon a prohibition
in debt.*

consultation
upon a prohibi-
on erroneously
bad.

Greeting, Whereas, &c. (and so recite the whole Prohibition to the end) yet because our aforesaid Writ from our Court aforesaid, issued out Erroniously and surreptitiously, for that a certain speciall Writ of consultation, out of our Court aforesaid, before the issuing of our aforesaid Writ of Prohibition, prosecuted by the aforesaid *W. R.* upon our other Writ of Prohibition thereupon, to the aforesaid Official before that time directed; We therefore unwilling in any thing to injure the aforesaid *W. R.* to you and every of you we signifie, commanding you in that cause, according to the Tenor and effect of our said speciall Writ of Consultation, thereupon to you formerly directed, you do further proceed in the Court Ecclesiasticall, and do further in the Premises what you shall know to pertain to the Ecclesiasticall Jurisdiction: *Witness, &c.*

consultation
where the pro-
hibition was for
part.

Greeting, Whereas it was lately shewen unto us on the behalfe of *R. D. of, &c.* yet because it appeares sufficiently evident, that the aforesaid *G.* be ore you in the aforesaid Court Ecclesiasticall libelled against the aforesaid *R.* of and, for the with - holding of the Tithes of Hey, Herbage, and ioynting, coming, renewing, growing or happening of and upon meadowes and pastures lying and being within the bounds, limits, precincts, and titheable places aforesaid of the parish of *R.* aforesaid: And the said *R.* our aforesaid writ of prohibition for the aforesaid fourth part of the aforesaid twenty acres of Meadow, and thirty actes of pasture called *N.* out of our Court aforesaid did obtain; We signifie unto you, that in the cause aforesaid other then of the tithes of Hay, Herbage or Joyntment coming growing or renewing of the aforesaid fourth part of the aforesaid twenty acres of meadow and thirty acres of pasture called *N.* in the Court Ecclesiasticall aforesaid, you be inhibited to proceed and do what you shall know to pertain to the Jurisdiction Ecclesiasticall, our aforesaid Writ of Prohibition to you lately directed in any wise not hindring, *Witness, &c.*

consultation
where the sug-
gestion was not
proved within
fixe months.

Yet because it sufficiently appears to our Justice at *Westminster* that the aforesaid *A.* within fixe moneths after the granting the Prohibition aforesaid hath not proved his Suggestion aforesaid, by sufficient Testimony, according to the Form of the Statute thereupon published and provided: Therefore according to the Form of that Statute we command you, that in the Cause aforesaid, between the parties aforesaid, with all meet celerity according to Ecclesiasticall rights you proceed, our aforesaid Writ of prohibition to you lately directed no way letting, *Witness, &c.*

Disring at

Distingas.

THE Keepers, &c. to the Sheriff of *M.* greeting. We command you, that you distraine *H. D.* lately of *T.* in your County husbandman, and *E.* his wife by all their Lands and chattells in your Bailiwick so that neither they, nor any by them lay hands upon them untill you have from us another precept. So that you answer us of the issues thereof: So that they render *XX.* one silver cup which the same *XX.* in our Court before our Justices at *Westminster* recovered against them, or five markes for the value of the same Cup which to him the said *W.* in our same Court were adjudged, whereof they are convict, Wee command thee also that thou take the aforesaid *H.* and *E.* if they be found within your Bailiwick, and them safely keep, so that you may have their bodies before our Justices at *Westminster* in eight dayes of *Saint Hillary* to satisfy the aforesaid *W.* of sixty shillings which to him the said *W.* in our Court were adjudged for his damages which he sustained by reason of the detention of the said Cup, whereof they are convict: And that you have there then this Writ, Witnesse, &c.

Distringas
for the value,
and a casu for
damages.

THe Keepers, &c. greeting: We command you, that you distrain *T.P.* by al his Lands, &c. So that you answer us of the Issues of them; so that you have his body before our Justices at *Westminster* (Such a return) to render *R.S.* a certain writing of a Grant of a certain annuity of twenty pound to him the said *R.* by ? ? granted; which he the said *R.* in our Court before our Justices at *Westminster* recovered against him, or eight pound for the value of the same writing, if the aforesaid *T.* the aforesaid writing shou'd not render, whereof he is convict: VVe also command you, that you take the aforesaid *T.* if he be found, &c. so that you may have his body before our Justices at *Westminster*, at the aforesaid Term, to satisfie the aforesaid *R.* of sixe pound which to him the said *R.* in our Court were adjudged for his damages which he had by occasion of the detention of the same writing, whereof in like manner he is convict: and that you have there then this writ, witnesse, &c.

Distingas for
a writing, or the
value, and a case.

The Keepers, &c. Greeting. We command you that you distrain *H. B.* So that you may have &c. (such a return) to attorn to *L.* Esquire of one messuage, &c. with the appurtenances in *F.* in your County which *A. A.* in our Court before our Justices at *Westminster* granted to the aforesaid *L.* by Fine thereupon between them made and

Distringas te attorn in a quid juris clamor.

Distingas 10
attorn in a quid
juris clamar.

and that you have there then this writ, witnesse, &c.

Distringas in a
Quid Juris
clamat.

THe Keepers, &c. To the Sheriff of S. greeting, we command you, that you distrain L. VV. widow by all her Lands and chattells, &c. So that of the issues thereof you answer us; so that you have her Body (Such a return) to acknowledge what right she claimeth in one cottage one Toft &c. with the appurtenances in M. in your County which R. T. in our Court before, &c. Granted to J. E. by fine there between them thereupon made, and to heare Judgement for the many Defaults, &c.

Distringas nu-
per vicecomt.

THe Keepers, &c. to the Sheriff &c. Greeting, we command you, that you distrain VV. VV. late Sheriff of your County, your Predecessor by all his Lands and Chattells to deliver unto you the Body of M. P. whom otherwise by our Precept he lately took, as he himself returned to our Justices at VVestminster (Such a Return last past) So that you may have the Body of the same R. before our Justices at VVestminster (Such a return) to do and receive what our Court shall in that behalf consider of, and to heare his Judgement for the many defaults and where upon you your self returned to our Justices at VVestminster (Such a return last past) that the Body of the aforesaid R. was taken by the aforesaid W. your Predecessor, whose Body as yet he hath not delivered unto you, and that you have, &c.

Note, that if the Sheriff upon this writ or upon a Distringas Ballivo, return a Nichill, &c. a Capias shall issue forth, but no Exigent shall issue after the Capias.

The Entry of a
Distringas of
nuper vice-
comit. to deli-
ver the body.

Command was given to the Sheriff, that he should have the Body of R. P. whom otherwise at his County of D. held at E. such a day last past after demanded appeared and rendered himself to the prison of our Lord the King of his Castle of Exceter, and in the same remained. lately sick as he otherwise returned to our Justices here, to do and receive what our Court here shall consider of him in that behalf, &c. And now heare at this day, so wit in eight dayes of saint Hillary, the Sheriff of the County aforesaid certified the Justices here, that the Body of the aforesaid R. P. was taken by W. W. late Sheriff of the County aforesaid, his predecessor, which said Body the same late Sheriff delivered not to the now Sheriff. therefore the body of him the said R. P. here at this day he could not have Therefore command is given to the same now Sheriff, that he distrain the aforesaid late Sheriff by all his Lands, &c. and that of the issues, &c. So that he might have the body of the aforesaid R. P. whom &c. (Such a return) to do and receive in form aforesaid, &c.

Now, where the Sheriff returns a Nichill habet &c. upon a Distringas nuper vic: there a Capias shall go against the Nuper vic: Trin: 5: Eliz: Rotulo 412:

Command

Command was given to the Sheriff that he should distraine W: L: by
 all his Lands, &c: and that of the issues, &c. So that he should
 have his body here at this day, to wit on the morrow of the Ascension of
 our Lord, to render J: H: two silver cups, which the aforesaid J: in the
 Court of the King here hath recovered against him, or fifty four shil-
 lings four pence, which to him the said J: in the same Kings Court
 here were adjudged for the value of the same cups, if the same J: cannot
 have them again, whereof he is convicted, &c. (or thus) to deliver J: H:
 two silver Cups which the aforesaid J: in the Kings Court here, hath
 recovered against him: And whereupon it is considered in the same
 Kings Court here, that the aforesaid J: should recover against the afore-
 said W: fifty four shillings four pence, in case where the same J: H: can-
 not have againe the delivery thereof from the aforesaid W: as also foure
 markes, as well for the damages of him the said J: which he sustained by
 occasion as well of the detention of the cups aforesaid, as by occasion of
 detaining of a certain debt of four pound, which the aforesaid in the
 Kings Court here recovered against him, as for his expences and costs
 by him about his suit in that behalf layd out, provided yet, that if the
 aforesaid W: will first deliver those cups to the aforesaid J: before him
 the said Sheriff, according to the form of the recovery aforesaid, then the
 aforesaid Sheriff should wholly forbear to make further Execution of the
 writ aforesaid, as to the distraining the aforesaid W: to deliver the cups
 aforesaid in form aforesaid: and whatsoever he should do in the premi-
 ses, he should certifie here at this day. Command was also given to the same
 Sheriff, that he should take the aforesaid VV: if, &c: And safely, &c:
 So that he might have his body here at this day, to satisfie the aforesaid
 J: of forty shillings which to him the said J: in our same Court were ad-
 judged for his damages, which he had by occasion of the detention of the
 aforesaid cups, whereof he is convicted: And now here at this day came
 the aforesaid J: by F: T: his attorney, and offered himself the fourth
 day against the aforesaid W: upon the premises; and the aforesaid W:
 came not, and the Sheriff now returns, that the same W: hath nothing
 &c: nor is found, &c: Therefore the aforesaid J: shall have Execution
 against the aforesaid W: of the aforesaid fifty four shillings four pence
 for the value of the cups aforesaid, &c. And command was given to the
 Sheriff, that he take the aforesaid W. if, &c. and safely, &c. So
 that he may have his Body here (Such a Return) to satisfie the afore-
 said J: H: of the aforesaid fifty four shillings four pence for the value of
 the Cups aforesaid, as of the Damages aforesaid in Forme aforesaid,
 &c.

The awarding
 of a Capias af-
 ter a distringas
 ad deliband.

The Keepers, &c. to the Sheriff of L. greeting. VVe command you
 that you distrain A.B: and others by all their Lands, &c. So that
 you have them &c: returnable the morrow of all Soules, wee also com-
 mand

Distringas ju-
 rat, with a de-
 cem tales.

mand you, that you put on the Jury aforesaid, ten such as well Knights as other free and lawfull men of the visenage next adjoyning in your county out of the Hundred of B: within which the trespassse aforesaid is supposed to be done, and that you have them before &c. at the aforesaid tearm, to make that Jury, for that the aforesaid E: is Lord of the aforesaid hundred of VV: and that there are not any freeholders within that hundred, nor Inhabitants within the same; but what are within the distresse of the aforesaid E: as by the Jurors thereunto sworn it is found: So that that Jury for want of jurors remaines untaken; and that you have the names of them whom of new you have put on, and this VVrit, witnesse, &c:

Distringas against Suitors of the court for not delivery of a Record.

Distrain H: I: T: M: & J: R: Suitors of the Court of Katherine, queen of England, our most dear consort of F. by all the Lands &c: So that you have their Bodies before, &c: to have the Record of a certaine plaint which is in the same Court without our writ, between T. Marquesse D. and J: L: of a certain trespassse against him the said J: by the aforesaid T: brought as it is said; whereupon the same J: complains that there is false judgement had against him in the same Court; we command you also, that you put by sure and safe Pledges the aforesaid Marquesse that he be before our Justices at Westminster, &c: to hear that Record: and whereupon you returned to our Justices at Westminster (Such a return) that the Steward, Bailiff, and the aforesaid suitors of the Court aforesaid, did wholly deny to let you have sight of the Record of the plaint aforesaid, and answered unto you in those words following (that is to say &c:) by reason of which you could not have that record before our Justices at Westminster at that day as it was commanded you, and that you have there the names of the Pledges, and this writ, witnesse, &c:

Distringas against the late Sheriff & upon a Nichi returned a capias awarded.

COMMAND was given to the Sheriff that he should distrain VV: R: Clare Sheriff of the County aforesaid, his Predecessor by all his Lands, &c: to deliver to the aforesaid Sheriff that now is, the Body of J. F: or &c: whom otherwise by our precept he took and detained in prison, as the same late Sheriff otherwise returned to the Justices of our Lord the King here, so that he may have the body of the aforesaid J. F. here at this day, to wit in eight dayes of Saint Martin, to answer M: S. Knight of a plea that he render him a hundred pound which he owes him, and unjustly detaines, &c. and he came not, and the Sheriff now returns that he hath nothing, &c: Therefore command is given to the Sheriff that he take the aforesaid late Sheriff, if &c: and safely, &c: So that he may have his Body here (Such a return) &c:

Command

Command was given to the Sheriff that he should distrain *H. S.* and *J. D.* Bailiffs of the Liberty of the Town of *C.* by all their Lands, &c. So that they might have here at this day, to wit in eight dayes of *Saint Martyn*, in the self same Tearm, the Body of *J. B.* whom they took by the Receipt of our Lord the King, and as yet they detain sick in prison, as the same Bailiffs have returned to the Justices here (Such a Return last past) to answer *T. R.* of a plea, that he render him eighteen pounds which he owes him, and unjustly detaines. And now here at this day came as well *J. V.* who followes for the Lord the King, as the aforesaid Bailiffs by *T. D.* their Attorney. And the aforesaid *J. B.* the fourth Day of the plea being solemnly required, came not; and the Sheriff now returns, that each of the Bailiffs aforesaid is distrained by his Chattells, to the value of forty pounds, and that they are undertook for by *R. B. J. B. D. C.* and *V. G.* and upon this the aforesaid *J.* who followes, &c. For that the aforesaid *J.* came not here at this, day prayes that the Issues aforesaid may be forfeited, &c. And that the bail aforesaid may be amerced, &c. Upon which the aforesaid Bailiffs say; that neither the issues aforesaid ought to be forfeited to our Lord the King, nor the Bail aforesaid ought to be amerced in this behalf, because they say, that the aforesaid *I. B.* before the aforesaid Eight dayes of *Saint Martyn*, was, and yet is so sick in prison of them the said Bailiffs, that they the said Bailiffs could not have him the said *I. B.* here at this day without manifest danger of death, and this they are ready to aver, as the Court of the King shall here consider of, &c. To which the aforesaid *I. V.* which followes, &c. Sayes that the aforesaid *I. B.* before the aforesaid Eight dayes of *Saint Martyn*, and at the said Eight dayes of *Saint Martyn*, was sound and in good health, so that the same Bailiffs might have the aforesaid *J. B.* here at this day if they would, and prayes the writ of the Lord the King, to them the said Bailiffs to be directed, to be here in their proper persons to be examined upon the premises, and it is granted unto him returnable here (Such a Return) And that under the paine of Forty pounds, &c.

The Entry of a Distingas ballivo, upon the Return of a Languides in Prisona;

Distrain *J. D.* which was the wife of *A. D.* by all the Lands, &c. So that you have her Body &c. To answer *V. F.* Knight of a plea of admeasurement of Dower of her the said *J.* in *C.* whereof she hath more in dowry then she ought to have, as it is said, and to hear her Judgment for the many defaults, We also command you, that in two full Counties, you make publick proclamation that the aforesaid *J.* should come before, &c. at the aforesaid Tearm, to answer the aforesaid *V.* thereupon if she will, and that you have, &c.

Distingas in an admeasure-ment of Dower.

*There return of
the same.*

AT my county Court held at C. (Such a day and year) I made the first proclamation, that the within named J. should come before the Justices within written at my county Court held at C. &c. I made second proclamation, that the within named J. should come before the Justices within written, at the day and place within contained, as within is commanded unto me. *R. R. Esquire Sheriff.*

*The admeasure-
ment of dower.*

VVF. Knight, by R. B. his Attorney, offers himself the fourth Day against I: which was the Wife of I: D: of a plea of admeasurement of dower, of her the said I. in C. whereof she hath more in dowry then she ought to have, &c. And she came not, and command was given to the Sheriff that he distrain her, &c. And also that in two full counties he make publick proclamation, that the aforesaid I. come here at this day, to wit from the day of *Easter* in 5 weeks, the aforesaid VV. thereupon to answer &c: And the Sheriff returns that she is distrained by her chattells, to the value of twelve pounds, and Manueptors by I: D: and R: R: Therefore she is in mercy: And also that in two full counties, that is to say, at his county held at C: (Such a Day and Yeate:) As also at his County held there (such a day then next following, he made publick proclamation in Form aforesaid &c: and upon this the aforesaid W. sayes that the aforesaid A. in times past her husband, &c: was seized of five messuages &c: with the appurtenances in C: aforesaid, of the yearly value of Forty shillings, and not more, whereas the same I: hath in dowry for her third part of the same Tenements with the appurtenances of the yearly value of sixty shillings, so that the same I: hath in dowry, land of the same Tenements with the appurtenances to the yearly value of ten shillings of the Inheritance of him the said W: more then she ought, or pertains to her to have of her reasonable part, &c: Therefore command is given to the Sheriff, that taking with him twelve, &c: by whom, &c: and who neither, &c: in proper person he have access to the tenements aforesaid with the appurtenances, and by their oathes cause the tenements aforesaid to be admeasured, so that the aforesaid I: may not have more in dowry of the Tenements aforesaid with the appurtenances, then she ought and pertains to her to have, according to her reasonable dowry, and that the aforesaid W: may have of that Dowry that which he ought, and pertaineth to him to have, and the admeasurement which &c. he shall make known here (Such a return) under the seal, &c. and under the scales, &c. The same day is given, &c.

*Distringas is
Distringas in
Distringas of
chattells.*

THe Keepers, &c. Distrain I. S. by all his Lands &c: so that you may have his body before &c. (Such a Return) to render W. C. his Chattells, to wit two gold rings, and one, &c. which the aforesaid W: in our Court before, &c. recovered against him, or six pounds, which

which to him the said *W.* in our same Court were adjudged for the value of them, if the same *W.* could not have again the same chattells: We command thee also, that thou take the aforesaid *I.* if he be found *&c.* (Returnable at the aforesaid Term) to satisfy the aforesaid *W.* fifty shillings which to him the said *W.* in our court were adjudged for his damages which he had, by occasion of the detention of the chattells, aforesaid whereof he is convict, and that you have there then this writ, witnesse, *&c.*

Distrain *I. H.* Bailiff of the liberty of *YV.* by all his Lands, *&c.* So that you may have before our Justices at *Westminster* (Such a Return) the body of *J. G.* outlawed in your County (such a day and year) at the suit of *W. S.* of a plea of debt whereof he is convict, which by our precept he lately took, and in his power detaineth, whose body before our Justices at *Westminster*, on the morrow of the purification of the blessed *Virgin Mary*, last past, he could not have, for that he remained subjected to many infirmities, so that for feare of death and debility of his body, he could not travell, nor be carried, as you your self returned to our Justices at *Westminster*, at that day, and that you have, *&c.*

Distringas ballivo upon a Languidus returned.

Command was given to the sheriff, that he should not omit for any Liberty of his county; but that he should take *J. G.* outlawed in the county aforesaid (Such a day and year) to satisfy *W. B.* of a plea of debt, whereof he is convict, if *&c.* So that he might have his body here at this day, to wit (such a return) to do and receive what the Court of our Lord the King shall consider of him in that behalf: And now here at this day came the aforesaid *W.* by *R.* his Attorney, and the sheriff now returneth that he commanded *I. H.* Bailiff of the Liberty of our Lord the King of *W.* who hath full return of all writs, and the Execution of them within the Liberty aforesaid, out of which said Liberty, the Execution of that writ by him the said Sheriff could not be made, which said Bailiff to him the said Sheriff thus answered, that he had taken the body of the aforesaid *I. G.* whose body, *&c.* he could not have: Therefore command is given to the said Sheriff, that he distrain the aforesaid Bailiff by all his Lands, *&c.* And that of the issues thereof, *&c.* So that he might have here such a return the body of the aforesaid *I. G.* to do and receive in form aforesaid, *&c.*

The Entry of the writ.

The Keepers, *&c.* Distrain *T. M.* Esquire, late Sheriff of your County, your predecessor, by all his Lands, *&c.* to deliver unto you the Body of *E. L.* outlawed in *London*, (such a day and year) at the Suit of *F. C.* in a plea of debt, whom, *&c.* as he himself returned to our Justices at *Westminster*, such a Return last past, and to hear his judgment

Distringas nuper vice-com. eo delinqueret the body, upon a Capias ut legat.

judgment for his many defaults, and that you have there this writ
witness, &c.

*The entry of a
Distringas
ballivo to de-
liver the body.*

COMMAND was given to the Sheriff, that he should distrain I. B. Bailiff of T. Mildmay Knight, of his Liberty of the town of Chelmsford in the county aforesaid, by all his Lands &c. So that he might have here at this day, to wit (Such a Return) the Body of W: whether he be better or worse; which the same Bailiff by the precept of him the said Sheriff by vertue of a VVrit of our Lord the King to him the said Sheriff lately thereupon directed, he took and detained so sick in custody, that the body of the same H. before our Iustices here (Such a Return last past) without great danger of his Body he could not have, as the same Sheriff to our Iustices here at Westminster at that day returned, to satisfie R: M: as well of a certain debt of thirty pound, which the same R: in our Court here recovered against him, as of a hundred shillings which, &c: whereof he is convict: And now here at this day came the aforesaid R: by F: T: his Attorney, and the Sheriff now returns, that the aforesaid I: is distrained by all his chattells to the value of 6 s 8 d and that the said I: hath delivered to him, the said Sheriff, the body of the aforesaid H: which said Body he hath here ready at this day, &c. upon which the aforesaid R: prayes that the aforesaid H: may be committed to the prison of our Lord the King of the Fleet, there to remain untill such time as he hath satisfied the same R: of his debt and damages, and upon this the aforesaid H. is committed to the prison of our Lord the King of the fleet, there to remain untill, &c,

Distringas against a Sheriff, to tender money by him the said Sheriff levied upon a *Fierifacias*, *Hillary term* 9. *Edward the fourth*, rotulo 343.

*Distringas in
Ravishment of
ward with a
Testatum.
Testatum, dis-
tress in another
county, Easter
Term 15.
Henry the
sixth, rotulo,
336.
Hill. Term
30 H. 6. rotu-
lo, 425.
Trinity 2.
Henry the
eleventh, ro-
tulo, 29.*

THE Keepers, &c: Distrain R. C, by all his Lands, &c, so that of the issues, &c. So that he render T: R. Equire, as well five pound which to him the said T, in our Court before, &c. were adjudged for the value of the marriage of T. R. Sonne and Heir of T. R, being within age, which marriage pertaines to him the said T, in case where he the said T cannot have the said Heir unmarried, as thirteen pounds which to him the said T in our Court were adjudged, for his damages which he sustained as well by reason of the taking away of the said Heir, as for his Expences and costs about the prosecution of his Action aforesaid layd out, whereof he is convict, And that you have that money before, &c, To tender the aforesaid T, R, in Form aforesaid, &c, And whereupon our Sheriff of N return to our Iustices, &c, that the aforesaid H, hath nothing within his bailiwick by which he may be distrained; whereas; it is testified &c, by which he may be distrained, and that you have, &c.

The

The Keepers, &c. Distrain *B. L.* by all his Lands, &c. So that of the issues, &c. So that he render *A.* five quarters of barley which he the said *A.* in our Court before our Justices at *Westminster*, hath recovered against him, or the value of them, if the aforesaid *A.* cannot have the aforesaid five quarters of barley whereof he is convict: and by the oath of honest and lawfull men of your County, you diligently inquire what damages the aforesaid *A.* hath sustained, as well by occasion of the detention of the aforesaid five quarters of barley, as for his Expences and Costs by him about his Suit in that behalf layd out. And if the aforesaid *R.* the same five quarters of barley to the aforesaid *A.* should not render, then as much as the said five quarters of barley should be valued at according to the true value of them; and in what manner you shall Execute this our Writ, you shall make manifest to our Justices at *Westminster*, (Such a return) under your Seal, and the Seals of them by whose Oath you made that Inquisition, and that you have there the names of them, by whose oath you made that inquisition, and this writ, Witness, &c.

Distringas in Detinuc, together with a writ of inquiry.
13.

The Keepers, &c. Distrain *John Arondell*, Esquire, late Sheriff of your County, your predecessor, by all his Lands, &c. And that of the issues, &c. So that you put to sale those goods, and chattells which were of *T. VV.* lately of *B.* in your County, Yeoman, otherwise called, &c. to the value of five pound ten shillings, parcel of a certain debt of Forty pounds, which *R. H.* in our court before our Justices at *Westminster*, recovered against him, as twenty shillings which to him the said *R.* in our same Court were adjudged for his Damages, which he had by occasion of the detention of that Debt, whereof he is convict, which by vertue of our Writ he lately took, and remains in his hands unsold for want of buyers, as the same late Sheriff returned to our Justices at *Westminster*, on the morrow of *Saint Martyn*, last past, and that he have the monyes thereof received before our Justices at *Westminster*, (Such a Return) to render the aforesaid *R.* for parcell of his Debt and Damages aforesaid; we also command you, as we have often commanded you, that of the Lands and chattells of the aforesaid *T.* in your Bailiwick, you cause to be levied five and thirty pounds sixteen shillings and eight pence, residue of the debt and Damages aforesaid, and that you have that money before our Justices at *Westminster*, at the aforesaid Term to render the aforesaid *R.* for the residue of the debt and damages aforesaid, and that you have there then this Writ, witness, &c.

Distringas against the late Sheriff, that he should put to sale for part, and a Fieri facias for the rest.

The Keepers, &c. To the Coroners in our County of *Buck.* Greeting. We command you that you distrain *H: M: Knight G: P: Knight, T: L: Knight, and J: P: Knight*, four lawfull Knights girt with

Distringas directed to Coroners in a writ of Right.

with Swords of the aforesaid County of *Buckingham* summoned in-
to our Court before our Justices at *Westminster*, to choose out of
themselves and twelve other lawfull men of the Visenage of *B.* who
better may know, and will speak the truth, to make a Recognition of
our great Assize between *E. B.* Esquire, Demandant, and *R. G.* Gen-
tleman, of one Messuage and one Garden with the Appurtenances in
B. aforesaid, whereof the same *R. G.* in our same Court, hath put
himself upon the great Assize aforesaid, desiring Recognition may be
thereof made, whether he hath more right to hold the tenements
aforesaid with the appurtenances as he holdeth them, or the aforesaid
E. to have the Tenements aforesaid as he demandeth them, by all their
Lands and chartells, in the aforesaid County of *Buckingham*, So that
neither they nor any by them do lay hands upon them, untill you
have thereupon another precept from us: and that of the issues of
them you make answer to us, So that you may have their bodies be-
fore our Justices at *Westminster* from the day of *Saint Michael* in
three weeks, to make Election of the great Assize aforesaid, and to
hear their Iudgment for their many defaults, &c. and that you have
there then this writ: witness, &c.

Distingas of
twenty four
Knights in an
attains.

THe Keepers, &c. To the Sheriff of *Devonshire* Greeting. We
command you, as we have many times commanded you, that you
distrain *J. R.* and other the Jurors of the twenty four Knights, of
the visenage of *C.* summoned in our Court before our Justices at
Westminster, ready to recognize upon their Oathes, whether the
Jurors by whom a certain inquisition which was lately summoned be-
fore our Justices at *Westminster* by our Writ, and afterwards before
our beloved and faithfull *R. W.* one of our Justices of our Bench, and
R. H. one other of our Justices of our Bench aforesaid, lately our Ju-
stices of Assizes in your county assigned to be held, by our writ of *Ni-
si prius*, by form of the Statute thereupon lately published and pro-
vided at the Castle of *Exeter* in your County taken between *J. C.*
Plaintiff, and *A. B.* lately of *S.* in your County Widdow, of a cer-
tain Trespasse to him the said *J.* by the aforesaid *A.* brought as it is
said have made a false oath, as the same *J.* to us greatly complaining
hath shewen or no, by all their Lands and chartells: So that neither
they nor any by them do lay hands upon them untill you have recei-
ved another command from us, and that of the issues of them you an-
swer unto us, So that you may have their bodies before our Justices at
Westminster in eight dayes of the holy *Trinity*, to make that jury
of twenty four Knights, and to hear their judgment for their many
defaults, and that you have there then this Writ, witnesse, &c:

Duces

Duces tecum.

THE Keepers, &c. to the Sheriff of *Norfolk*, greeting;
Whereas we lately commanded you by our Writ, that you
should cause to be required *R. C. of, &c.* from County to
County, untill according, &c. So that you might have his Body be-
fore our Justices at *Westminster*, on the Morrow of *All-Soules* last
past, to answer *J. C.* of a Plea that he render him a hundred Pounds,
which, &c. And thou at that day returned to our Justices at *West-*
minster, that at your County held at *N.* (such a day, &c.) the
aforesaid *R.* was first required, and appeared, and rendred himselfe
to our Prison; which said *R.* is detained in our Prison aforesaid, so
sick and subjected to divers Infirmities, so that his Body before our
Justices at that day you could not have without great danger of
Death: Whereas it is testified in our Court by worthy Testimony,
that the aforesaid *R.* is found and in health, and able to labour;
Therefore we command you that you your selfe, or your under-She-
riff, be before our Justices at *Westminster* (such a Return) bring-
ing the aforesaid *R.* with you, whether he be in health or infirm,
to answer the aforesaid *J.* of the aforesaid Plea: And this you are
in no wise to omit, under the pain of ten Pounds, which if you do it
not, know you are to loose; and that you have there then this Writ,
Witness, &c.

Duces tecum,
&c. languis
us returned.

Command was given to the Sheriff, that he should cause to be re-
quired *R. C. of, &c.* from County to County, untill, &c. And
if, &c. and safely, &c. So that he might have his Body here at this
day, to wit on the Morrow of *All-Soules* last past, to answer *J. C.*
of a Plea that he render him a hundred Pounds, which, &c. And now
here at this day came the aforesaid *J.* by *W. P.* his Attorney; and
the Sheriff now returns, that he by vertue of the aforesaid Writ to
him directed, at his County held at *N.* in the County aforesaid,
(such a day and yeare) caused the aforesaid *R.* to be first required;
and that the aforesaid *R.* appeared, and rendred himselfe to the Pri-
son, &c. which said *R.* is detained so sick and subjected to divers infir-
mities in the Prison aforesaid, so that his Body before the Justices
here without great danger of his Death he could not have; Where-
as it is testified in the Court here by Testimony of worth, that the
aforesaid *R.* remains found and in health, and able to labour:
Therefore it is commanded to the Sheriff, that he or his under-She-
riff be here (such a Return) bringing with him the aforesaid *R.*
whether he be in health or infirm, to answer the aforesaid *J.* of the
aforesaid Plea, &c. And that he should in no wise omit of it, under
the pain of ten Pounds, which if he did it not, he should know, he
should loose, &c.

The Entry
thereof. N. ff.

Duces tecum
upon a Habe-
as Corpus.

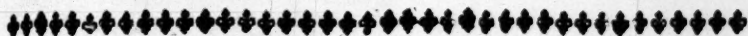
TO the Sheriff, &c. Whereas we lately commanded you, that you should have before our Justices at *Westminster* (such a Return) the Body of *M. G.* lately of, &c. whom by our Precept you lately took, to satisfie *E. E.* and *W. E.* as well of a certain Debt of fifteen Pounds, which, &c. (as in the Writ) whereof he is convict: And although the aforesaid *M. G.* is found and in health, and able to labour, as by credible Testimony we have received; yet you permitting him the said *M.* to go at large, at that day returned to the same our Justices at *Westminster*, that the aforesaid *M. G.* did lye sick in Prison, under your Custody; so that the Body of the same *M. G.* there at that day you could not have, for that he was posselt of so great and grievous Infirmities in the same Prison, that he could not travell, nor be carried without great danger of death: And because we would not have our leige people in that wise to be illuded or retarded, we command you that you, or your under-Sheriff, be before our Justices of our common Bench at *Westminster* (such a Return) bringing thither with you the aforesaid *M. G.*: whether he shall be in health or infirm, to satisfie the aforesaid *E.* and *W.* of the Debt and Damages aforesaid; knowing this for certain, that if this shall be omitted, twenty Pounds of pain you shall loose: And that you have there then this Writ, *Witness*, &c.

The like upon
Phillixers pro-
cess.

TO the Sheriff, greeting; Whereas we lately commanded you, that you should have before our Justices at *Westminster* (such a Return last past) the Body of *R. G.* lately of, &c. which by our Precept you took, and detain in your power, to answer *T. C.* of a Plea that he tender him twenty pounds, which he owes and unjustly detaines, as he saies, before which day the Plea aforesaid was adjourned, by our Writ of common Adjournment, at *Westminster*, on the Morrow of Saint *Martin*, then next following: And you returned to our Justices at *Westminster*, at that day, that the Body of the aforesaid, *R.* was so infirm, that for debility of his Body, before our aforesaid Justices at *Westminster*, at that day you could not have: And although the said *R.* is found in health and able to labour, as we are informed by credible Testimony, yet you suffer the aforesaid *R.* to go at large, thereby withholding the answer of him the said *R.* to the Writ of him the said *T.* by your frivolous answer most unjustly: And because we would not have our leige people in the prosecution of their Actions to be retarded, nor our Court to be in such manner deluded; we command you, that you or your under-Sheriff be before our Justices at *Westminster* (such a Return) bringing thither with you the aforesaid *R.*: whether he be in health or infirm, to answer the aforesaid *T.* of the aforesaid Plea, and to do and receive what our Court shall consider of in that behalf, and that you have there then this writ, *witnesse*, &c. The

The Keepers, &c. *Greeting.* Whereas we lately commanded you by our Writ that you should have before our Justices at *Westminster* (such a return) the body of *A.* whom by our precept you had taken and detained in your power, as you your self returned to our Justices at *Westminster* (such a return last past) to answer *D.* of a Plea, &c. And you at that day returned to our same Justices at *Westminster*, that by vertue of that Writ, the bodie of the aforesaid *A.* at that day you had ready: Therefore we command you, that you your self be, or your Under-Sheriff be before our Justices at *Westminster* (such a return) bringing thither with you the aforesaid *A.* to answer the aforesaid *D.* of the Plea aforesaid: And this you are in no wayes to omit under the pain of 20 *l.* which if you do it not, know you shall loose: And that you have there then this Writ. Witnesse, &c.

Upon a Habe-
as Corpus,
where the She-
riff returns pa-
rat. ho't.



Elegit.

THE Keepers, &c. To the Sheriff of L. greeting: Whereas T. L. lately in Court before our Justices at Westminster, by the consideration of the same Court had recovered against E. D: as well a certain debt of 40 l. as 40 s. which to him the said T. in our same Court more adjudged for his damages which he had by occasion of the detention of that debt whereof he is convict: The same T. afterward came into our Court, and by the Statute thereupon published and provided, chose to have delivered unto him all the Goods and Chattels of the aforesaid E. besides his Oxen and Affros of his Cart, and in like manner the moiety of all his Lands and Tenements in your Bayliwike; To hold to him the Goods and Chattels aforesaid as his owne proper Goods and Chattels, and the Moyety aforesaid as his Free-hold to him and his Assignes, according to the forme of the Statute aforesaid untill the debt and damages aforesaid shall be thereupon levied: And therefore we command you that all the Goods and Chattels of the aforesaid E. besides his Oxen and Affros of his Cart, and in like manner the Moyety of all his Lands and Tenements in your Bayliwike, of which he the said E. in eight dayes of Saint Hillary last past, or at any time after was seized to the aforesaid T. you cause to be delivered by reasonable price and extent, to hold to him the Goods and Chattels aforesaid as his owne proper Goods and Chattels, and the moyetie aforesaid as his Free-hold to him and his Assignes according to the forme of the Statute aforesaid, untill the debt and damages aforesaid shall be thereupon fully levied:

Elegit after
judgment for
Debt and Da-
mages.

And in what manner you shall execute this our VVrit you shall make appear before our Justices at *Westminster* (such a return) And that you have there then this writ. VVitnefs, &c.

*Elegit after a
Scire fac.*

G*reeting.* VVhereas lately in our Court before our Justices at *Westminster*, it was considered that *A. B.* should have Execution against *G. R.* as well of a certain debt of ten pound; which he the said *A.* in our Court before our Justices at *Westminster*, was recovered against him, as of forty shillings, which to him the said *A.* in our same Court were adjudged for his damages, &c. whereof he is convict. The same *A.* afterwards came in our same Court, and by the Statute, &c. as before.

*Elegit for da-
mages in wast.*

T*He Keepers, &c. To the Sheriff of R. Greeting :* VVhereas *I. B.* lately in our Court before, &c. had recovered against *T. G.* and *I.* his VVife 112 *l.* and 5 *s.* which to him the said *J. B.* in our same Court were adjudged for his treble damages which he had by occasion that the aforesaid *T.* and *I.* of the Houses, VVoods, and Gardens in *M.* which they hold for the life of her the said *J.* of the aforesaid *J. B.* of the Demise which *E. B.* Widow thereupon made to the aforesaid *J.* for her life: So that after the death of her the said *J.* the House, Woods, and Garden aforesaid, should remain to *VV. B.* Father of the aforesaid *J. B.* whose Heire he is, and to the Heires Males issuing of his bodie; they made wast, sale, and destruction to the disinheritance of him the said *J. B.* and against the forme of the provision in that Case provided, as by a certain Jury of the Country before our Justices of Assizes in your County to be taken, assigned by the forme of the Statute thereupon provided at *W.* in your County thereupon between them taken, it remains found, whereof they are convict. The same *J. B.* afterwards came in our Court: And by the Statute, &c. as before.

*Elegit upon a
Scire facias a-
gainst Tere-
nant for debt
and damages.*

T*He Keepers, &c. To the Sheriff of L. Greeting :* Whereas lately in our Court before, &c. it was considered that *T. B.* should have Execution against *H. C.* as well of a certain debt of 180 *l.* which the same *T.* otherwise in our Court, to wit, in the Term of Saint *Hillary* in the first year of her Reign before *I. D.* Knight, and his Companions then our Justices of the Bench by the consideration of the same Court, had recovered against *I. G.* lately of, &c. otherwise called *I. G. &c.* as of 8 *l.* & 4 *s.* which to him the said *T.* in our same Court were adjudged for his damages which he had by occasion of the detention of that debt, of a certain annuall Rent of 32 pound, issuing out of the Mannor of *VV.* in your County, by the default of him the said *H.* And whereupon you your selfe returned to our Justices at *Westminster* from the day of Saint *Michael* in three weeks last past, that the

the aforesaid *H. C.* was Tenant of the aforesaid annuall Rent of 32 *l.* was the aforesaid *I. G.* in eight dayes of the Purification of the blessed Virgin *Mary* (such a year) which day the judgment was rendered against him the said *I.* of the debt and damages aforesaid : And afterwards the same *T.* came into our Court, and by the Statute thereupon provided, chose to have delivered to him the Moiety of the aforesaid annuall Rent of 32 *l.* to hold as his Free-hold to him and his Assignes, according to the forme of the Statute, untill the debt and damages aforesaid thereupon shall be levied : And therefore wee command you that the Moiety of the same annuall Rent of 32 *l.* issuing out of the Mannor aforesaid, to the aforesaid *T: B:* without delay you cause to be delivered, to hold as his free-hold to him and his Assignes, according to the form of the Statute aforesaid, untill the debt and damages aforesaid thereupon shall be levied : And in what manner, &c.

And upon this the aforesaid *T. B.* prayes Execution against the aforesaid *H C* of the debt and damages aforesaid of the aforesaid severall rents, that is to say of the aforesaid annuall rent of 42 *l.* issuing out of the aforesaid Mannor of *S*, with the Appurtenances in the aforesaid County of *VV.* and of the aforesaid annuall rent of 32 *l.* issuing out of the aforesaid Mannor of *VV.* in the aforesaid County of *N.* to be adjudged to him, &c. Therefore it is considered that the aforesaid *T B* shall have Execution against the aforesaid *H* of the debt and damages aforesaid of the same severall annuall Rents by default, &c. And upon this the same *T B* by the Statute, &c. chose to have delivered unto him the moiety of the aforesaid severall rents, that is to say, the moiety of the aforesaid annuall rent of 42 pound, issuing out of the aforesaid Mannor of *S*, in the aforesaid County of *W.* & the moiety of the aforesaid annuall rent of 32 pound, issuing out of the Mannor of *W.* in the County of *N.* to hold as his Free-hold to him and his Assigns, according to the forme of the Statute aforesaid, untill the debt and damages aforesaid shall be thereupon levied, and prayes *V V*rits of the *Keepers*, &c. that is to say, one to the Sheriff of the aforesaid County of *VV.* of the debts and damages aforesaid, to be directed ; And another to the Sheriff of the aforesaid County of *N.* in like manner of the debt and damages aforesaid to be directed, and they are granted unto him retornable here in eight dayes of Saint *Hillary*, &c.

The Enwic of the writ directed into divers Counties.

The *Keepers*, &c. To the Sheriff of *M.* Greeting. *VV*hereas *R.* *B.* and *W. B.* lately in our Court, &c. by the consideration of the same Court had, recovered against *W. B.* lately of, &c. as well a certain debt of 300 pound, as, &c. whereof he is convict, the same *R.* and *W.* came into our Court, and by the Statute in the like case provided, have

An Elegit after an Elegit, because the Sheriff extends not the whole by the first writ.

chose to have delivered to themselves, &c. (as in other Elegits) And in what manner you should execute that our VVrit, you should make manifest to our Justices at Westminster in eight dayes of St. Hillary last past: And you returned to our Iustices at VVestminster at that day a certaine Inquisition before thee at the Castle of E. such a day last past, by the Oath of xii. &c. taken, by which it remains found that the aforesaid VV. was seized in his Demesne as of Fee at the time of the recovery of the debt aforesaid of the Mannor of S. with the Appurtenances in your County of the annuall value of five pounds: And of and in the Mannor of H. in your County of the annuall value of forty shillings, which said Mannors, Lands, and Tenements the day and yeare aforesaid you tooke and seized in our hands to the use and intention in our aforesaid writ specified; Upon which the aforesaid R. and VV. came into our said Court, saying, that the aforesaid VV. B. Esquire, at the time of the judgement aforesaid rendered, and afterwards had diverse Lands and Tenements in your County, to the annuall value of thirty pound above the aforesaid Mannors in the Inquisition aforesaid above specified, and also was possessed of diverse Goodes and Chattels in your County, to the value of forty pounds, which you your selfe might have extended and apprized, and have delivered to the aforesaid R. and VV. And therefore we command you as we have often commanded you, that all the Goods and Chattels of the aforesaid VV. B. Esquire, besides Oxen and Cattell of his Plough, and in like manner the moiety of all the Lands and Tenements of him the said W. in your County over and above the aforesaid Mannors in the Inquisition aforesaid specified, of which the same W. at the time of the judgement aforesaid rendered, or at any time afterwards was seized or possessed, as also the moiety of the aforesaid Mannors in the Inquisition aforesaid specified, to the aforesaid R. and W. you cause to be delivered by reasonable price and extent: To hold as their free-hold to them and their Assignes, according to the forme of the Statute aforesaid, untill the debt and damages aforesaid shall be thereof levied; And in what manner you shall execute this our Precept, you shall make manifest to our Justices, &c. such a retorne; And that you have then there this VVrit. VVitnesse, &c.

Elegit against
the Heir after
a Scire facias
upon a Recognizance.

THe Keepers, &c. Greeting. Know you, that it is considered in our Court before, &c. that G. F. have Execution against J. VV. coufen and heir of W. W. of a hundred pound which the aforesaid VV. in the Court of the late King, &c. otherwise to wit the twenty fourth day of October, in the sixteenth year of his Raign, before J. B. Knight, and his companions then justices of the said late King of his Bench at VVestminster, acknowledgeth himself to owe to the aforesaid G. of the Lands and tenements which were the aforesaid VV. VV. at the time of the Recognizance aforesaid recognized and

and taken, or any time after. The same *G.* afterwards came into our court, and chose to have delivered unto him, the moiety of all the Lands and Tenements in your county which were the aforesaid *VV.* at the time of the recognizance aforesaid, recognized and taken, or at any time afterwards, according to the Form of the Statutes thereupon published and provided, untill the aforesaid hundred pounds shall be thereupon levied: And therefore we command you, that the Moiety of all the Lands and Tenements in your county of which the aforesaid *VV.* the aforesaid twenty fourth day of *October*, in the sixteenth year aforesaid, or at any time after was seized, to the aforesaid *G.* by reasonable price and Extent without delay you cause to be delivered, to hold the moiety aforesaid as his Free-hold to him and his Assignes, according to the Form of the Statutes aforesaid, untill the aforesaid Hundred pounds shall be thereupon levied, and in what manner you shall execute this our precept, you shall, &c.

Greeting, &c. Whereas lately in our court before, &c. It was considered, that *S. S.* should have Execution against *R. C.* Manucaptor of *N. S.* of *L. Gentleman* of thirty pound which he the said *R.* otherwise, to wit such a day and year before *J. H.* our cheif Justice of our Bench at his mansion house, in the Charter-house Church-yard *London*, he acknowledged himself to owe to him the said *W.* of his Lands and chattells which were the aforesaid *R.* at the time of the recognizance aforesaid recognized and taken, or at any time after; and the same *VV.* afterwards came into our Court, and by the Statute, &c. (as in other)

Elegit against
Manucaptors.

THe Keepers, &c. To the Sheriff of *H.* Greeting, whereas *M.* *E.* widow, which was the Wife of *C. E.* in our Court before, &c. by the consideration of the same Court had recovered against *T. E.* as well for the value of the Dowry of her the said *M.* of two messuages, &c. with the appurtenances in *H.* from the time of the death of the aforesaid *C.* as well for her damages which she had by occasion of the detention of that dowry, whereof he is convict, as by a certain Jury of the Country taken between them it appears found; & the same *M.* afterwards came into our Court, and by the Statute thereupon provided, chose to have delivered unto him all the goods and chattells of the aforesaid *T.* besides his Oxen and Cattell for his Plow; and in like manner the moiety of all his Lands and Tenements in your Bailiwick, to hold, &c. (as in others) untill the aforesaid hundred pound for the value and damages aforesaid, shall be thereupon levied, and therefore we command you (as in others) untill the aforesaid hundred pound for the value and damages aforesaid shall be thereupon levied, Know yee that the aforesaid *M.* in our Court

Elegit, and a writ of seisin in Dowry.

Court before, &c. by the consideration of the same Court hath recovered her seizin against the aforesaid T. of the third part of the tenements aforesaid with the appurtenances as the dowry of her the said M. of the endowment of the aforesaid T. in times past her Husband by our writ of dower whereof she hath nothing; and therefore we command you, that without delay you cause to have, and be assigned unto the same M. full seizin of the third part of the Tenements aforesaid with the appurtenances to hold to her in severalty, by meates and bounds; and in what manner you shall execute this our precept, you shall make manifest to our Justices at *Westminster*, (such a Return) and that you have there then this writ, witnesse, &c.

A writ of Liberate to the chamberlayn of Chester, after Elegit.

THe Keepers, &c. To the Chamberlain of our County Palentine of *Chester*, or to him that holds the place there, Greeting. Whereas T. S. lately in our Court &c. before had recovered against the Dean and Chapter of the Cathedrall Church of *Christs Colledge, Oxford*, of the Foundation of King *Henry* the eighth, sixe pounds which to him the said T. in our same Court were adjudged for his Damages which he had, for that the aforesaid Dean and Chapter have not prosecuted their writ against him the said T. in our same Court of a certain debt of sixty pounds by them the said Dean and Chapter brought according to the Form and Effect of the Statute, in like case published and provided, whereof they are convict: The same T. afterwards, &c. be levied, by which we command you, that by our Writ under the Seal of the County Palentine aforesaid duly made, you should make command to the Sheriff of the County aforesaid, that all the Goods and Chattells &c. untill the damages aforesaid be thereof levied, and in what manner you shall execute this our writ, you should make appear to our Justices at *Westminster* (such a Return last past) And you returned to our Justices at *Westminster*, at that day, a certain Inquisition before G. O. Knight, sheriff of *Chester* at C. in the County of C. (such a day last past) by the oath of twelve honest and lawfull men, taken by vertue of our command, under the Seal of the County aforesaid, thereupon directed; by which it appears found that the aforesaid D. and C. the day of the taking the same Inquisition, were seized of Lands, Tenements, and Rents, in B. in the aforesaid County in the Tenure of E. L. of the yearly value of ten pounds, and of Lands, &c. of the yearly value of ten pound, and that the aforesaid Dean and Chapter on the aforesaid day of rendering the judgment aforesaid; or at any time after had not any other Lands, Tenements, or Rents in the Bailiwick of the same Sheriff: therefore we command you, that by our Writ under the seal of the County Palentin aforesaid, duly to be made, you command the Sherif of the County aforesaid, that the moiety of the Lands, Tenements, and Rents aforesaid with the appurtenances, to the aforesaid T. you cause

cause to be delivered to hold the moiety aforesaid, as his Freehold to him and his Assignes according to the Form of the Statute aforesaid, untill the damages aforesaid shall be thereupon levied, and in what manner you shall execute that our precept, you shall make appear to our Justices at *Westminster* (such a return) and that you have there then this writ, witnesse, &c.

Command was given to the Sheriff as the Keepers, &c. often commanded the same Sheriff (Whereas, &c. Reciting the whole Writ) And now here at this Day came the aforesaid E. by W: his Attorney, and the Sheriff, that is to say, W. B. Esquire, now returns a certain Inquisition before him taken in these words, &c.

The entry of an Elegit.

At which day here came the aforesaid Plaintiff by his Attorney aforesaid, and the aforesaid Sheriff of Essex, and N. have done nothing thereupon, nor sent the writ thereupon, therefore let there be made to the same Sheriffs of E. and N: other severall writs, returnable here such a Return in Form aforesaid, &c.

The continuance of the Elegit.

And upon this the same Plaintiff chooseth to have delivered unto him, &c. in the County of N, untill the debt and damages aforesaid shall be thereupon levied: And further the same Plaintiff sayes, that the same W. is now Sheriff of the County aforesaid of N: and for that cause prayes a writ of our Lord the King to the Coroners of the County aforesaid, to be directed, and because the aforesaid W: denyeth it not, and that the Allegation of the aforesaid R. is true upon Record, as by the inspection of the Return on the back side of the writ, of the same County here in the bundles of the files of this Term, residing here, it sufficiently appears to the Justices here, therefore it is granted unto him returnable here, such a Return, &c.

A challenge to the Sheriff upon an Elegit, and a Prier of a writ to Coroners.

Whereas it was lately in our Court before our Justices at *Westminster* considered that W. R. should have Execution against N. H. of, &c. of a hundred Pounds, which he the said N. lately in our Court, to wit the 12th day of February, in the eighth yeare, &c. before R. R. Knight and his Companions, then our Justices of our Bench at *Westminster*, did acknowledge himselfe to owe to him the said W. R. to be paid to him the said W. R. on the Feast of Easter then next following, and now elapsed.

Elegit upon a Scire facias upon a Recognizance.

The same W. afterwards came in our same Court, and by the Statute, &c. chose to himselfe, &c. as in the other, changing what is to be changed.

Whereas we lately commanded you, that of the Goods and Chattels, &c. (reciting the sifa and the return thereupon)

Elegit after a Devastavit returned upon a Fieri facias

as by that Writ it was commanded you, by which it was considered in our same Court, that the aforesaid *A.* should have Execution against the aforesaid *B.* of the Debt and Damages of his proper Goods and Chattels to be levied. And the same *J.* afterwards came into our same Court, and by the Statute, &c. chose to have delivered all the Goods and Chattels (as in others) and in like manner the Moiety, &c. And therefore, &c. of which the same Defendant (such a day) the day of the return of the *fisa* was seised to the aforesaid Plaintiff, you should deliver, &c. as in other *Elegits*.

Note, if two Writs of Elegit issue out of the Court at one time, the Sheriffe ought to extend the Moiety of all the Land, and give the Moiety to the more ancient Debt, and then the Sheriffe ought to extend the Moiety of the other Moiety, and deliver that unto the other: and he ought not to deliver one Moiety of the whole Land unto one, and then the other Moiety to the other, by the Opinion of the Justices of the Bench, Mich. Terme, 32. and 33. Eliz. in the case of Skynner and the Earle of Oxford.

Extent.

*Extent upon a
Statute Mer-
chant.*

THE Keepers, &c. to the Sheriff, &c. greeting, Whereas lately by our Writ we commanded you, that you should take the Body of *T. C.* of *H.* in your County, if he were a lay man, and in our Prison should safely keep him: untill he had fully satisfied *G. D.* Citizen and Alderman of the City of *Lincolne*, of two hundred Pounds, of lawfull money of *England*, which the same *T.* (such a day and yeare) before *J. R.* then Maior of the City aforesaid, and *L. C.* Clark of the Recognizances of Debts according to the form of the Statute-Merchant, within the same City deputed to be taken, he did acknowledge himselfe to owe to the aforesaid *G.* which he ought to have paid unto him on the Feast of Saint Andrew the Apostle, then next following; And the same to him as yet he hath not paid, as it is said. And in what manner you should execute that our Writ, you should make known unto our Justices at *Westminster*, from the day of the holy Trinity, in three weeks last past. And you returned to our Justices at *Westminster* at that day, that the aforesaid *T.* was a Lay-man, and was not found in your Bayliwick: And therefore we command you, that all the Goods and Chattels of the aforesaid *T.* and all the Lands and Tenements which were the aforesaid *T.* in your Bayliwick the day of the Recognizance of the Debt aforesaid, or at any time afterwards, to whose hands soever they have come, unlesse they have descended to any Heire within Age, by hereditary descent, you cause to be delivered

to the aforesaid *G.* by reasonable price and extent, to hold the Goods and Chattels aforesaid, to him the said *G.* as his own proper Goods and Chattels, and the Lands and Tenements aforesaid, as his Free-hold to him and his Assignés, according to the form of the Statute thereupon published and provided; untill the Debt aforesaid, together with his necessary and reasonable Damages, Charges and Costs, as in his labours, delaies of the Suit, and Expences, shall be thereof levied. And notwithstanding the Body of the aforesaid *T.* if he be a Lay-man, you take and cause him to be safely kept, untill he shall have fully satisfied the aforesaid *G.* of the Debt aforesaid, in form aforesaid. And in what manner you shall execute this our Writ, you shall make to be manifest to our Justices at *Westminster*, on the Morrow of *All-Soules*, and that you have there then this Writ, witness, &c.

Note Trinity 18 of Edward the third: The Purchaser of the Land brought a writ of Error, whereof the Countess had extended two years before the day of payment, Dyer folio 1.

A man cannot extend the Profits of an Office of a Phillizer, for to have Execution.

If a feme sole acknowledge a Statute, and after marry, Execution shall be of the Lands which the woman had, the day of the acknowledgement of the Debt, and of the Goods of the Husband, and the Bodie of the Husband and Wife shall be taken.

Command was given to the Sheriff, that the Body of *T. C.* of *H.* in the County aforesaid Esquire, if, &c. and safely, &c. untill he had fully satisfied *G. D.* Citizen and Alderman of the City of *Lincolne*, of two hundred Pounds, of lawful money of *England* (which be such a day and yeare) before *J. R.* then Maior of the City of *L.* and *L. C.* Clark for the acknowledgments of Debts according to the form of the Statute-Merthant, within the same City deputed to be taken, he did acknowledge himselfe to owe unto the aforesaid *G.* which he ought to have paid unto him, on the Feast of *Saint Andrew the Apostle*, then next following, and the same to him the said *G.* he hath not payd, &c. and in what manner, &c. he should make known here at this day, to wit, from the day of the *Holy Trinity* in three weeks, &c. And now here at this day came the aforesaid *G.* by *R. S.* his Attorney, and brings here into Court the Recognizance aforesaid, which testifies the debt aforesaid in Form aforesaid; and the Sheriff now returns that the aforesaid *T.* is a lay man, and is not found, &c. And upon this the aforesaid *G.* prays the Writ of the Keepers, &c. by the Statute, &c. to the Sheriff of *L.* to be directed, and it is granted unto him, &c. and in what manner, &c. The
G Sheriff

The entry of
an Extent,

Sheriff of the aforesaid County of L. should make known here (such a Return) the same day is given to the aforesaid G. &c.

Extent directed into divers countries.

And upon this the aforesaid H. prays Writs by the Statute, &c. that is to say, one to the Sheriff of Dorset, and another to the Sheriff of Wilts, and another to the Sheriff of Devon, and another to the Sheriff of Cornwall, and another to the Sheriff of Somerset, and they are granted unto him, &c. And in what manner, &c. each Sheriff of the Counties aforesaid shal make known here on the morrow of All-souls, &c. The same day is given to the aforesaid H. here, &c.

An Extent where one of the parties is returned to be dead.

The Keepers, &c. To the Sheriff of L. Greeting. Whereas lately by our writ we commanded you that the bodies of J. G. the elder, of, &c. and J. G. the younger, of, &c. if they were Lay men, &c. Untill they had fully satisfied H. B. J. B. and R. B. Executors of the last will and Testament of L. B. &c. now dead, which the same J. J. (such a day and year before, &c. acknowledged themselves to owe to J. B. which they ought to have paid unto him, on the Feast of Saint James the Apostle then next following, and the same to the aforesaid J. in his life time, or to them the said H. and J. after his death, they have not paid, nor either of them as yet hath paid, as it is said, and in what manner, &c. And you returned to our Justices at that day, that the aforesaid J. G. the elder is dead, and that the aforesaid J. G. the younger is a Lay man, and is not found in your Bailiwick: And therefore we command you, that all the Lands and Tenements which were the aforesaid J. G. the elder, and J. G. the younger, the day of the acknowledgement of the debt aforesaid, or at any time afterwards; to whose hands, &c. they descended; you cause to be delivered to the aforesaid H. B. and R. by reasonable price &c. (as before) and expenses thereupon levied, and notwithstanding the Body of the aforesaid J. G. the younger, if he be a Lay man, you take &c. cause to be safely kept, until we shal have fully satisfied the aforesaid H. B. and R. of the debt aforesaid in form aforesaid, and in what manner you shal execute this our precept, &c.

Note, that if there be a Mortuam returned, then the Extent shal be of all the Lands and Tenements which were, &c. and it shal not mention goods and chattells.

Where a Mortuam is returned, there that clause is omitted in the writ (and notwithstanding, &c.)

The Return of the Extent.

Who say upon their Oathes; that J. G. the Elder in the Writ aforesaid named, the tenth day of May, &c. in the same Writ specified, was seized in his Demesne as of Fee of the Mannor of H. &c. And further the Jurors aforesaid say upon their oathes, &c. And further, &c. which in any manner may be extended or appri-
zed

red as to them for the present may in any manner be made to appear, which said Mannor and tenements aforesaid with the appurtenances I the aforesaid Sheriff the aforesaid day of taking the Inquisition aforesaid, have caused to be delivered to the aforesaid H. I. and R. in the Writ aforesaid named, by price and extent aforesaid, to hold until the debt in the same Writ specified, together with, &c.

The Entry.

AT which day here came the aforesaid H. I. and R. by their Attorney aforesaid, and the Sheriff, to wit J. D. Esquire, now returns here a certain Inquisition taken before him at W. in the county aforesaid, the fourth day of *September*, last past; by the oath of twelve, &c. by which it remains found, that the aforesaid J. G. the elder, the aforesaid tenth day of *May*, &c. was seized in his demesne as of Fee of the Mannor of H. in the County aforesaid, of the annuall value of seventeen pounds, and of one Mill, &c. And further by the Inquisition aforesaid, it is found that the aforesaid I. G. the Elder of the Mannor and Tenements aforesaid with the appurtenances in Form aforesaid, being seized, died of such his Estate thereof seized: After whose death the Mannor and Tenements aforesaid with the appurtenances did descend to the aforesaid J. G. the younger, as to the Son and Heir, &c. and further by inquisition aforesaid. &c. Which said Mannor and Tenements aforesaid with the Appurtenances, the aforesaid Sheriff the aforesaid tenth day of *September*, hath caused to be delivered to the aforesaid H. I. and R. by price and extent aforesaid, to hold to them as their Freehold according to the Form of the Statute, untill the Debt aforesaid, together with the Damages, Charges and their necessary and reasonable Costs, as in their Labours, Delays of Suit and Expences, shall be thereof levied, as by that writ was commanded unto him, &c.

IF a Statute Merchant be certified in the Chancery, and a *Capias* awarded thereupon, returnable in the Common Bench, and thereupon a *Capias* awarded out of the Common Bench, and before the Return of this *Capias*, the Plaintiff dieth, his Executor cannot proceed in the Common Bench upon the first Writ by *Scire facias*, or otherwise; but he is compelled to have a new Writ out of the Chancery, and upon *Affidavit* made by the Executor, that the Debt was not satisfied to the Testator, he shall have a new certificate, notwithstanding the former certificate.

AND upon this the aforesaid Plaintiff prays the Writ of the Keepers, &c. by the Statute, &c. to be directed to the Chancellour of the County Palentine of *Lancaster*, or to him that holds his place there; and it is granted unto him, &c. and in what manner, &c.

An Extent awarded to the chancellour of the county Palentine of Lancaster.

the same Chancellour should make knowne here (such a Return)
 &c: The same day, &c:

The entry of an
 Extent where
 the Plaintiff
 hath not there-
 cognizance.

And now here at this day came the aforesaid I: by A: B: his At-
 torney, and the Sheriff now returns that the aforesaid E: L: is
 not found, &c: And because the aforesaid J: brings not here into
 Court the Recognizance aforesaid, therefore day is given to the a-
 foresaid J: here in eight dayes of Saint Hillary, to bring in then that
 Recognizance, &c: and upon this the aforesaid J: prayes to have deli-
 vered unto him all the Goods, and chattells, Lands, and Tenements
 which were the aforesaid Defendants in the County aforesaid, the
 day of the acknowledgement of the debt aforesaid, untill a hundred
 pounds shall be thereof levied, and prayes a Writ of the Keepers,
 &c: to the Sheriff of the County aforesaid, to be directed, and it is
 granted unto him returnable here (such a Return, &c:)

The Return of a
 Writ of Extent
 by the Sheriff
 returned to be
 executed.

Command was given to the Sheriff, wheress the Keepers, &c: had
 lately commanded the same Sheriff, that the body of I: P: Esq;
 if he were a Lay-man and were found in his Bailiwick, he should take
 and in the Prison of the Keepers, &c: should safely keep, untill, &c:
 (reciting the Writ) and now here at this day, came the aforesaid
 W: B. by R: L: his Attorney, and the Sheriff, to wit J: S: Esquire now
 returns that the aforesaid J: P: is not found, &c: the same Sheriff al-
 so returns, that he by vertue of the writ aforesaid (such a day last
 past) all the Lands and Tenements which were the aforesaid I: P: in
 the County aforesaid the day of the acknowledgement of the Debt
 aforesaid, or at any time afterwards by reasonable price and Extent
 as followeth; he hath caused to be delivered to the aforesaid W: B.
 that is to say, one Messuage, thirty Acres of Land, and two acres of
 Meadow with the appurtenances in T: in the County aforesaid, to
 the value by year of Forty shillings, two tofts, &c: with the appurte-
 nances in W: and D. in the County aforesaid to the value by the year
 above reprizes twenty shillings, and forty acres, &c: in T: in the
 County aforesaid to the value by the year above reprizes sixty shil-
 lings, to hold as his Freehold to him the said W: B: and his Assignes
 according to the purport of the aforesaid Writ, as by that writ it was
 commanded unto him, &c:

Extent certified
 by the Chancel-
 lour of Lanca-
 ster, and a Li-
 berate awar-
 ded to the same
 Chancellour.

At which day came the aforesaid I: B: and A: by their Attorney
 aforesaid, and the aforesaid Chancellour now certifies, that he
 by vertue of the writ aforesaid, had commanded (by a writ of our
 Lord the King, under the Seal of the County Palentine duly to be
 made) the aforesaid E: S: Sheriff of the County Palentine aforesaid,
 who thus answers unto him, that a certain inquisition indented be-
 fore

fore him the said *Sherif* taken at *W.* in the County aforesaid, the fifth day of *January* last past, by vertue of a certain Writ of our Lord the King to him the said *Sherif* directed, by the oath of twelve, &c. by which it is found, that the aforesaid *I. A.* the day of the acknowledgement aforesaid made, and afterwards was seized in his demesne as of Fee of the Mannor of *P.* in the County aforesaid with all his appurtenances, and of Forty acres of Land, &c. with the appurtenances; which said Mannor, and the rest of the premises with the appurtenances are worth by the year in all issues above reprizalls ten pound, and are so extended, and that the same *I. A.* hath no other or more Lands or Tenements, Goods or Chattells the day of the acknowledgement aforesaid made, or at any time afterwards had not, nor hath in the county aforesaid, which said Lands and Tenements and other the Premises with their Appurtenances, the aforesaid Sheriff into the hands of the Lord the King hath taken according to the demand of the said Writ, &c. Therefore it is commanded to the aforesaid Chancellor, that by a Writ of our Lord the King, under the Seal of our Lord the King of the County aforesaid duly to be made, it should be given in command to the Sheriff of the County aforesaid, that he should cause to be delivered to the aforesaid *I. B.* and *A.* the Mannor, Lands, and Tenements, and other the Premises with the Appurtenances, if they will receive the same by the Extent aforesaid, to hold as their Freehold to them and their Assignes, untill the aforesaid two hundred pounds, together with their damages and necessary costs, as in their Labour, delays of Suit and expences shall be thereupon levied, and in what manner, &c. the aforesaid Sheriff should make known to our Lord the King in his Chancery at *Lancaster*, at a certain day then to come, wheresoever he should then be: And the aforesaid Chancellor should certifie to the Justices here under his Seal, sending back to the same Justices here then this Writ &c.

The Keepers, &c. to the Sheriff of *L.* greeting. We command you that by the oath of honest and lawful men of your County, you cause to be extended and apprized, one Messuage, &c. which *A. D.* in our Court before, &c. claimes as his right against *T. B.* by our Writ of *Forma donationis* in the Reverter, and whereof the same *T.* in our same Court, calls *J. S.* of *D.* a Stranger, which hath noe Lands or Tenements in your County to be summoned in the county of *D.* to warrant against her, and what Extent and apprizzall you shall thereof make, you shall make known to our Justices at *Westminster* (such a Return) under your Seal and the Seals of them, by whose oath you shall make that extent and apprizzall: and that you have there the names of those by whom you make that extent and apprizzall, and this writ, witnesse, &c.

Extent against
Porrain vouch-
er.

Who

The Return
thereof.

VV Ho say upon their Oathes, that the Tenements aforesaid, are of the value by the year in all issues according to the true worth twenty pound, in witnesse whereof, &c.

Note that the Grand Cape ad valenciam, shall not issue forth before the Extent be returned and served: But note, that the Extent must be within a common day, and the Grand Cape returned at that common day as it was adjudged, Mich. 15. Henry the sixth rotulo 110.

Testatum, Ex-
tent to the
chancellour of
Lancaster,
Trinity 24.
Eliz, rot. 615.

VV Hereas lately by our writ we commanded our Sheriff of *M.* that the body of *H. I.* if he were a lay-man, he should take, &c. (reciting the *VVrit*) which said *Sheriffe of M.* at that day returned to our Justices at *Westminster* that the aforesaid *H. I.* was a Lay-man, and was not found in his Bailiwick. Therefore we command you, that by our Writ under the Seal of the county palentine aforesaid, duly to be made, you cause it be commanded the Sheriff of the same County, that all the Goods; &c. And notwithstanding the body of the aforesaid *H. I.*, he should take, and in our prison safely keep, untill he shall have fully satisfied the aforesaid *L.* of the Debt aforesaid in form aforesaid, and in what manner, &c. the same Sheriff shall certifie to you thereupon at a certain day by you in that behalf limited, that you thereupon may make manifest to our Justices at *Westminster* (such a Return) and that you have there then this writ. witnesse, &c.

Extent against
a clark.

Greetin?. Because *W. S.* of *R.* in your County Clarke (such a day and yeare) before &c. acknowledged himself to owe unto *G. E.* two hundred pound of lawfull money of *England*, which he ought to have; &c. and the same to him he hath not as yet paid, as it is sayd. *VVe* command you, that the aforesaid two hundred l of the moveable goods and chattells of him the said *W.* in your Bailiwick without delay you levy and cause to be had to him the said *G.* And in what manner, &c. (Such a day) by your Letters sealed, &c. and that you have there then this writ, witneis, &c.

The Return
thereof.

I Certifie to the Justices within written, that the within named *W.* *S.* hath no moveable goods or chattells in my Bailiwick whereof the debt within written or any parcell thereof I may levy. And further I certifie to the Justices within written, that the aforesaid *W.* is a Clark, and benificed within the Diocesse of *York*, to wit at *R.* within written, and that he hath no Lay-Fee within my Bailiwick, &c.

Greeting

Creeting, Because *W: Bowes*, of, &c: Esquire, and *C: W. of E:* &c: Esquire (such a day and year) before &c: acknowledged themselves to owe to *Wolstan Dixie* Citizen and Alderman of London fifteen hundred pound, which, &c: they have not as yet payd, nor either of them as yet hath payd, as it is said, and as well the aforesaid *W:* and *C:* as the aforesaid *W:* after the Recognizance aforesaid, in Form aforesaid acknowledged, tooke upon them the order of Knight-hood, and now remain Knights: we command you, that the bodies of the aforesaid *W. & C:* now Knights, if they be lay-men, and in our prison safely keep, untill they shall have fully satisfied the aforesaid *W: D:* now Knight of the Debt, &c. and in what Manner, &c.

Extent where the Defendants were made Knights after the acknowledgement of the Recognizance.

Note, that this Writ was prosecuted in this Form by the advice of the Justices of the Bench; for the consuee had prosecuted another writ against the consors; in which said writ none of the parties aforesaid were named to be Knights, for that at the time of the Recognizance aforesaid, they were not Knights, but afterwards, & before the issuing forth of the said writ, they were made Knights and by this writ the Sheriff cannot extend the land, and the Court cannot put this arrement in the writ of extent, which was variant from the originall.

W Hereas we lately commanded you by our writ, that the bodies of *G: C:* and *D: L:* if they were Lay-men, you should take, and in our prison safely keep, untill they had fully satisfied *VV: B:* of &c. of a hundred l. of good & lawfull money of England, which the same *G:* and *D:* (such a day & year) before, &c: nor either of them hath paid, as it is said, and in what manner, &c. (Such a day last past) and you at that day returned to our aforesaid Justices at our aforesaid City of *VV: Winchester* that the aforesaid *G:* and *D:* were Lay-men, and were not found in your Bailiwick, and there we commanded you, that all the Goods and chattells &c: (as in other Extents) they had fully satisfied in Form aforesaid, &c. And in what manner, &c. (Such a Return then next following) before which day the plaint aforesaid was adjourned by our writ of common adjournment from our aforesaid City of *VV:* to *VVestminster*, in the county of *Middlesex:* unto that same morrow of the Purification of the blessed *Virgin Mary*, and you returned to our Justices at *VVestminster* aforesaid, that by vertue of the writ aforesaid to you directed, you took the Body of the aforesaid *D:* who remained so sick in our prison under your custody, that you could not have his Body before our Justices aforesaid, at that day without great danger of his Life, and that the aforesaid *G:* was not found

An Alias Extent where the Sheriff upon the first extent returns, that one is sick, &c. and the other is not found. Hillary the first of King James.

Fieri facias.

found in your Bayliwick. And further, that the aforesaid *D.* and *G.* had no Goods nor Chattels, Lands or Tenements in your Bayliwick whereof the Debt aforesaid or any parcell thereof, you could levie: Whereas it is testified in our same Court, on the behalfe of the aforesaid *W.* that the aforesaid *G.* and *D.* have enough within your Bayliwick, whereof the Debt aforesaid may be levied. And that the aforesaid *G.* hideth himselfe, wandreth and sculkes in your County; And therefore we command you, as otherwise we have commanded you, that all the Goods and Chattels (as in another Extent) and Expences shall be thereof levied. And never the lesse the Body of the aforesaid *G.* if he shall be found within you Bayliwick, you shall take, and in you Prison safely keep, untill he shall have fully satisfied the aforesaid *W.* of the Debt aforesaid, in Form aforesaid, and in what manner, &c.

Fieri Facias.

The entry of a
Fieri facias of
the goods of an
Administator
after a de-
stavit.

LONDON ss. Command was given to the Sheriff, that of the Goods and Chattels which were of *N. H.* who died Intestate, &c. lately called *N. H.* &c. at the time of his Death, in the hands of *E. H.* Administratrix of the Goods and Chattels which were the aforesaid *N. H.* in his Bayliwick to be administred, he should levie as well a certain Debt of five and twenty shillings, which *N. W.* in the Court of our Lady the Queen, here recovered against her, as four pounds and ten shillings, which to him the said *N. VV.* in the same Court here were adjudged for his Damages, which he had by occasion of the detention of the same Debt, if the same *E.* had so much Goods and Chattels, which were the aforesaid *N. H.* at the time of his Death, in her hands to be administred; and if she had not, then the Damages aforesaid to be levied of the proper Goods and Chattels of the aforesaid *E.* And that he should have that Money here at this day, to wit from the day of *Easter*, in fifteen daies, to render the aforesaid *N. VV.* of the Debt and Damages aforesaid, whereof she is convict. And now here at this day came the aforesaid *N. VV.* by *B. M.* his Attorney, and the Sheriff now returns that Goods and Chattels which were the aforesaid *N. H.* at the time of his Death, to the value of the Debt and Damages aforesaid, after the Death of the same *N. H.* to the hands of the aforesaid *E.* came to be administred. And that the same *E.* all the same Goods and Chattels before the coming of the Writ aforesaid, had wasted and converted to her owne proper use, by which the Debt and Damages aforesaid, or any parcell thereof, they could not make or levie. And that the same *E.* had no proper Goods or Chattels in his Bayliwick, whereof the Damages aforesaid or any parcell thereof he could cause to be made; Therefore Command is given to the
She riff

Sheriff, that they take the aforesaid *E.* if, &c. and safely, &c. So that they may have his Body here on the Morrow of the holy Trinity, to satisfy the aforesaid *R. VV.* of the Debt and Damages aforesaid, &c. At which day here came the aforesaid Plaintiff, by *R. D.* his Attorney, and the Sheriff now returns, that the aforesaid *E.* is not found, &c. And upon this it is testified in the Court of our Lord the King here, that the aforesaid *E.* lies hid, wandreth and sculkes in the County of *S.* Therefore command is given to the Sheriff of *S.* that he take the aforesaid *E.* if, &c. and safely, &c. So that he may have her Body here (such a return) to satisfy the aforesaid Plaintiff of the Debt and Damages aforesaid, &c.

Note that upon a Fieri facias, before the return of the Writ, and Execution made, the Defendant dies, and the Ordinary commits the Administration of the Goods, and then the Sheriff levies the Execution upon them; this is Error, Dier 31.

In Debt against Executors, two writs of Fieri facias, were awarded into severall Counties, for the entry-Debt; Trinity 4. and 5. Queens of Philip and Mary.

Where there were two Executors, and one of them appeared, and acknowledged the Action, and Judgment was had against both, of the Debt and Damages, of the Goods of the Testator, and upon a Fisa, the Sheriff returns, that the Executors have no Goods or Chattels of the Testator which appeare not wasted; and upon this a Scire facias shall issue against them, and Judgment by default.

Note that where the Defendant pleads Ne unques Executor, and if it be proved against him, the Plaintiff shall have a Fieri facias against him, of his owne proper Goods, but if the Defendant plead fully administred, and it be proved against him, a Fieri facias shall issue of the Goods of the Intestate.

L O N D O N ff. Command was given to the Sheriffs, &c. that of the Lands and Chattels of *R. C.* in his Bayliwick, he should cause to be made as well a certain Debt of twenty pounds, which *B.* in the Court of the King here recovered against him, as sixty shillings which to him the said *B.* in the same Court of our Lord the King here, were adjudged for his Damages, which he had by occasion of the detention of that Debt: And that they have that money here at this day, to wit (such a return) to render the aforesaid *B.* of his Debt and Damages aforesaid, whereof he is convict. And whereupon it was considered in the same Court here, that the aforesaid *B.* should have Execution against the aforesaid *R.* of the Debt and Damages aforesaid, by the default of him the said *R.* And now here at this day came the aforesaid *B.* by *L. D.* his Attorney, and the Sheriff now returns, that the aforesaid *R.* hath no Lands or Chattels within

The entry of a Fieri facias where there is a Testaturum awarded.

within his Bayliwick, whereby they could cause to be made the Debt and Damages aforesaid, or any parcell thereof. And upon this it is testified in the Court of our Lord the King here, that the aforesaid R. hath sufficient in the County of B. whereof the Debt and Damages aforesaid may be made and levied: Therefore command is given to the Sheriff of B. that of the Lands and Chattels of the aforesaid R. in his Bayliwick he should cause to be made the Debt and Damages aforesaid: And that he should have that money here (such a return) to render to the aforesaid B. in form aforesaid, &c.

Note that it was held by the Court in Hil. 40. of Queen Eliz. If the Defendant after the Test of a Fita make sale of Goods, the sale is void.

The Entry of a Fieri facias executed by the late Sheriff where parcell was levied, Hillary the sixth year of Elizabeth rotulo 13.

Command was given to the Sheriff, that of the Lands and chattells of E. C. in his Bailiwick, he should cause to be made one and thirty pound eight shillings, which N. B. in the court of our Lord the King at Westminster, in the county of M. were adjudged unto him for his damages which he had by occasion of a certain Trespasse to him the said N. by the aforesaid R. by Force and Armes, and against the peace of our said Lord the King at L. in the county aforesaid brought, and that he should have that money before the Justices of our said Lord the King from the day of Saint Michael in 3 weeks last past, to render to the aforesaid M. of the damages aforesaid, whereof he is convicted. At which day the plaint aforesaid was adjourned by a writ of our said Lord the King of common adjournment at Westminster, untill eight dayes of Saint Hillary then next following: At which day the plaint aforesaid was further adjourned by a writ of our Lord the King of common adjournment, unto the Castle of our Lord the King of Hertford, in the County of Hertford, unto this day, to wit from the day of Saint Hillary, in fifteen dayes. And now here, to wit at the Castle of Hertford aforesaid, at this day came the aforesaid N. B. by J. B. his Attorney, And the Sheriff, to wit T. D. Esquire now returns the Writ thereupon by R. F. Esquire, late Sheriff of the county aforesaid, executed and indorsed in Form following, that is to say, that the same late Sheriff by vertue of that writ to him directed, had caused to be made of the Lands and chattells of the aforesaid E. C. eight pounds of the damages aforesaid, and that he had that money at the aforesaid Term according to the Form of the writ aforesaid: And further, that the same E. C. had no other or more Lands, nor Goods, nor Chattells in his Bailiwick, whereby the residue of the Damages aforesaid might be levied, as by that writ it was commanded unto him, which said writ so executed and indorsed, the aforesaid late Sheriff delivered to the aforesaid now Sheriff in his going out of his Office. Therefore command is given to the Sheriff

Adjournment:

A further adjournment to the castle of Hertford.

The Writ served by the late Sheriff.

*Sheriff that he take the aforeſaid E. R. &c. and ſafely, &c. So that
that he have his Body here (ſuch a Return) to ſatisfie the aforeſaid
N: of the twenty three pounds ſeven ſhillings, reſidue of the damages
aforeſaid, &c.*

*A Capias af-
ter a ſiſa.*

Greeting. VVe command you, that of the Lands and Chattells of
H. W. in your Bailiwick, you cauſe to be levied eighteen pounds,
as well parcell of a certain debt of Forty pounds which W. R. in our
Court before our Juſtices at *Weſtminſter* recovered againſt him, as
parcell of twenty ſhillings which to him the ſaid W. in our ſame court
were adjudged for his damages which he had by occaſion of the de-
tention of that debt, and that you have that money before our Juſti-
ces at *Weſtminſter* (ſuch a Return) to render to the aforeſaid W.
for the Reſidue of his debt and damages aforeſaid, and that you have
there then this writ, witneſſe, &c.

*A Fieri facia
for parcell of
the debt and
damages.*

Command was given to the Sheriff, that of the Lands and Chat-
tells of W. D. of, &c, Clark in his Bailiwick, he ſhould cauſe to
be made, as well eighteen pound of the Arrerages of a certain annu-
ity of eight pound, which I. A. Abbot, &c. in the Court of our Lord
the King here recovered againſt him every year at the Feaſts &c. at
the Monastery aforeſaid to be payd, as eight pound which to him the
ſaid Abbot in the ſame court here, were adjudged for his Damages
which he had by occaſion of the withholding of the annuity aforeſaid
and the money, &c. To render the aforeſaid Abbot for the arrerages
and damages aforeſaid whereof he is convict: And now here at this
day came the aforeſaid A. by C. L. his Attorney, and the Sheriff re-
turnes that the aforeſaid W. D: is a clark, and benificed in the Dio-
ceſſe of *Lincolne*, not having any goods or chattells, or any Lay Fee in
his Bailiwick whereof he could cauſe to be made the aforeſaid eight-
teen pound or any penny thereof. Therefore it is commanded the
reverend Father in Chriſt J. by the Grace of God, Biſhop of *Lincolne*,
that of the Goods Eccleſiaſticall of the aforeſaid VV. in his Dioceſſe,
becauſe to be made the aforeſaid eighteen pound, and that he have
that mony here from the day of Eaſter in 5 weeks, to render to the a-
foreſaid Abbot for the arrerages and Damages aforeſaid, &c.

*The entry of a
Fieri facias
of goods Eccle-
ſiaſticall.*

To the venerable Faſher in Chriſt, James, by the ſame Grace Biſhop
of *Lincolne*, Greeting. We command you, that of the Goods eccleſia-
ſticall of VV. D. &c, clark within your Dioceſſe, you cauſe to be made,
as well, &c. as, &c. as (in the entry) And the money, &c. To render the
Abbot for the arrerages and damages aforeſaid, whereof he is convict,
And whereupon our Sheriff of *Lincoln* returned to our Juſtices at
Weſtminſter (ſuch a return laſt paſt) that the aforeſaid VV. is a
Clark and benificed in your dioceſſe, not having any Goods or chattells,

*A Fieri facias
of goods Eccle-
ſiaſticall dire-
cted to the Bi-
ſhop.*

nor any lay fee in his Bailiwick whereof the aforesaid eighteen pound, or any penny thereof, he could cause to be made, and that you have there then this Writ, witnesse, &c.

*A Fieri facias
in an Assize.*

THe Keepers &c. to the Sheriff of L. Greeting. we command you, that of the Goods and chattells of T. R. and A. his Wife in your bailiwick, you cause to be made which to W. R. and B. R. in our court before our justices at Assizes, in your county assigned to be taken at the castle of L. (such a day) were adjudged for a certain disseisin of the same W. and B. of Tenements in G. M. and H. by the aforesaid T. and A. made, whereof they are convict, and that you have that money before our justices of Assizes in your County, assigned to be taken, at the Castle aforesaid, on monday, in the second week of Lent, next to come, to render the aforesaid W. and B. of the damages aforesaid, and that you have there then this Writ, witnesse, &c.

*In another
Manner.*

WE E command you, That of the Lands and Chattells of I. M. in your Bailiwick, you cause to be made five marks, and that you have that before our justices of Assizes, &c. such a day, &c. to render the Plaintiff which the same Plaintiff, otherwise in our Court before our justices of Assizes, in your county assigned to be taken at E. were adjudged for his damages which he sustained by occasion of a certain disseisin to him the said Plaintiff, of Tenements in F. by the aforesaid J. made, as by the Tenor of a Record, and the Processe thereupon to our Justices at Westminster our command sent, and in the same our Court residing may manifestly appear, and whereupon it is considered in the same our Court, that the aforesaid Plaintiff shall have Execution against the aforesaid J. of the damages aforesaid by the aforesaid J. his default, and that you have there, &c.

*Fieri facias in
annuity after a
Scire facias.*

WEe command you, that of the Lands and chattells of W. G. Clark, Parson of the Church of H. within your Bailiwick, you cause to be made twelve pound and ten shillings. And that the money &c. To render A. Abbess of the Monastery, &c. Of the arrerages of a certain annuall Rent of sixty shillings at T. in your County, at the Feasts, &c. To be payd, whereof he is convict: Which said Annuall Rent, E. lately Abbess of the Monastery aforesaid, Predecessor of the aforesaid now Abbess, lately in the Court of our Lord Edward, late King of England the fourth, after the Conquest, to wit in the Terme of Saint Hillary, in the two and twentieth yeare of his Raigne before T. B. Knight and his Companions, then justices of our said Lord the King, of his Bench

at *Westminster*, by the consideration of the same Court recovered against one *R*: then Abbot, and Predecessor of the aforesaid Parson: And whereupon it is considered in our same Court, that the aforesaid *A*: shall have Execution against the aforesaid *W* now Parson, by the default of him the said *W*. And that you have there, &c:

Note that no Capias lies in a writ of annuity after judgment; but Fieri facias, Testatum, and Distringas infinito.

THE Keepers, &c. to the Sheriff of *L*. greeting; We command you, that of the Lands and Chattels of *J. A.* in your Bayliwick, you cause to be made ten Marks; and that you have that before, &c. to render *P. G.* for his Damages which he had, by occasion that the aforesaid *J.* our Writ of second deliverance, against the aforesaid *P.* (for that he the said *P.* at *S.* in a certain place called *D.* took Cattell, that is to say, three Cowes of his the said *J.* and them unjustly detained) he prosecuted, and afterwards before *T. W.* Knight, and *M. B.* our Justices at Assises, in your County assigned to be taken, by form of our Statute thereupon provided, on Munday, in the fourth week of Lent last past, at *B.* in your County, made default, whereof he is convict. And that you have there this Writ, *Writesse*, &c.

For damages in Replevin upon a Non p. of.

UPon a Fieri facias for 12*l.* for money recovered against the Defendant, the Sheriff returns a Mandavi Ballivo Libertatis Regina Ang. &c. *Who answers unto him that he had levied twenty shillings, of the aforesaid twelve pounds, which he had ready here at this day in Court, to render the Plaintiff, &c. And as to the residue, that he had nothing, &c. And upon this the aforesaid Bailiff, the fourth day of the Plea, being solemnly required to have here at this day the aforesaid twenty shillings, which, &c. as, &c. came not, nor had that money here: Therefore the same Bailiff is in mercy, and is amerced by the Justices here to twenty shillings, and command is given to the Sheriff, that of the Lands and Chattels of the aforesaid Defendant, in the Bailiwick of him the said Sheriff, he should cause to be made ten shillings of the aforesaid twelve pounds residue, and that he have that here (such a return) to render the aforesaid Plaintiff in form aforesaid: And also that of the Lands and Chattels of the aforesaid Bailiff, in the same Bayliwick of him the said Sheriff, he should cause to be made the aforesaid twenty shillings, and that he have that here at the same Term, to render the aforesaid Plaintiff in form aforesaid, &c.*

Upon a Mandavi ballivo returned, the Bailiff returns that he hath levied part, and brings it not into court. Hillary 9. Henry 6. 101. 102.

Fisa against the Bailiff.

THE Keepers, &c. To the Sheriff, &c. greeting; *We command you, that of the Lands and Chattels of I. B. in your Bayliwick, you cause to be made forty shillings, which to C. D. in our Court, before*

Fieri facias in Rotulo.

fore our Justices at Westminster were adjudged for his Damages which he sustained, in a certain Plea of taking and unjust detaining of Cattell of the aforesaid G: by him the said I: in a certain place called F: and that you have that money, &c. and this writ, &c.

*A Fieri facias
in Trespasse.*

THE Keepers, &c. To the Sheriff of M: greeting; We command you, that of the Lands and Chattels of L: M: in your Bayliwick you cause to be made sixty shillings, which to T: R: in our Court, before our Justices at Westminster were adjudged for his Damages, which he had by occasion of a certain Trespasse, to him the said T: by the aforesaid L: by force and armes, and against our peace at K: in your County brought, and that you have the money, &c. to render the aforesaid T: R: of his Damages aforesaid, whereof he is convict, &c.

*Fieri acias a
gainst an Ad-
ministrator,
upon a recovery
had against
the Intestate
after a Sciri
facias.*

WBE command you, that of the Goods and Chattels which were of E: S: late of L: Biquire, who died intestate as it is said, lately called E: S: &c. in the hands of R: M: Gentleman, and A: his Wife, Administratrix of the Goods and Chattels which were the aforesaid E: at the time of his Death, remaining to be administered in your Bayliwick, you cause to be made as well a certain Debt of fifty pounds, which J. W. in our Court before, &c. recovered against the aforesaid E: as forty shillings which to him the said J: in our same Court were adjudged for his Damages, which he had by occasion of the detention of the same Debt; and that you have that money before, &c. to render the aforesaid J. of the Debt and Damages aforesaid, whereof the aforesaid E. was convict. And whereupon it was considered in our same Court, that the aforesaid J. should have Execution against the aforesaid R. &c. of the Debt and Damages aforesaid, of the Goods and Chattels aforesaid, by his the said R. his default: And whereupon our Sheriffs of London, returned to our Justices at Westminster (such a Return last past) that the aforesaid R. and A. had no Goods or Chattels which were the aforesaid E. at the time of his Death, in their hands to be administered in their Bayliwick, whereof the Debt and Damages aforesaid, or any parcell thereof, they could cause to be made: Whereas it is testified in our same Court, that the aforesaid R. and A. have sufficient of Goods and Chattels, which were the aforesaid E. in your Bayliwick, whereof the Debt and Damages aforesaid may be made and levied. And that you have there then this Writ, witness, &c.

*Testatum a-
warded.*

*Fisa for an ex-
ecutor, after a
Sci. fac. upon
the Recovery of
the Testator.*

THE Keepers, &c. To the Sheriff of L. Greeting; We command you, that of the Lands and Chattels of R. B. in your Bayliwick, you cause to be made as well a certain Debt of sixty pounds, which J: G. in our Court before, &c. recovered against him, as forty shillings

lings, which to him the said *L.* in our same Court were adjudged for his Damages, &c. And that you have that money, &c. to render *T. S.* and *E.* his Wife, Executrix of the Testament of the aforesaid *J.* of the Debt and Damages of the aforesaid *E.* whereof he is convict. And whereupon it is considered in our same Court, that the aforesaid *T.* and *E.* have Execution against the aforesaid *R.* of the Debt and Damages aforesaid, by the said *R.* his default. And that you have.

THE Keepers, &c. to the Sheriff of *N.* greeting; We command you, that of the Lands and Chattels of the men Inhabitants in the Hundred of *S.* and *B.* in your County, you cause to be made a hundred pounds, which *G. S.* who as well for us as for himselfe, follows in our Court before, &c. were adjudged for his Damages, which he sustained by occasion of a certain Robbery and spoile, to certain *H. S.* and *T. W.* Servants of him the said *G.* by certain Malefactors to him the said *G.* unknown at *A.* in the Division of the Hundreds of *S.* and *R.* done. And the money, &c. to render the aforesaid *G.* of the Damages aforesaid, whereof they are convict. And that you have there then this Writ, *witnesse*, &c.

Fieri facis for damages, upon the Statute of Hue and Cry.

THE Keepers, &c. To the Sheriff of *O.* greeting; We command you, that of the Lands and Chattels of *R. : VV :* of, &c. Manucaptor of *H : H :* in your Bayliwick, you cause to be made a hundred pounds, which the aforesaid *R. :* otherwise in our Court, to wit (such a Term and year) before *E. A.* Knight, and his Companions our Justices of the Common Bench, acknowledged himself to owe to *L. B.* and the money, &c. To render the aforesaid *L. B.* whereof the aforesaid *R.* is convict; and whereupon it is considered in our same court, that the aforesaid *L. B.* should have execution against the aforesaid *R.* of the aforesaid hundred pounds by default, and whereupon our Sheriffs of *London* returned to our Justices at *Westminster* (such a Return last past) that the aforesaid *R.* had no Lands nor Chattels in their Bayliwick, whereof the aforesaid hundred pounds, or any parcell thereof, they could cause to be made: Whereas it is testified in our same Court, that the aforesaid *R.* hath sufficient in your Bayliwick whereof the aforesaid hundred pounds may be made and levied: And that you have there then this Writ, *witnesse*, &c.

Fieri facias against Manuaptors.

THE Keepers, &c. To the Sheriff of *L :* greeting; We command you that of the Goods and Chattels which were of *R. B.* in the hands of *A : R :* Executor of the Testament of the aforesaid *C :* being in your Bayliwick, you cause to be levied as well a Debt of a hundred pounds, which *T : A :* in our Court, &c. as forty shillings which &c. by occasion of the detention of that Debt, if the aforesaid *A.* have so much Goods and Chattels which were the aforesaid *C :* at the

Fieri facias against an Executor.

the time of his death in his hands to be administred, and if he have not then the damages aforesaid of the proper Goods and Chattells of the aforesaid *A.* and that the money, &c. to render the aforesaid *T.A.* of the debt and damages aforesaid, wherereof he is convict, and that you have, &c.

*The awarding
of a venditi-
oni exponas
for part, and
a fisa for the
residue.*

COMmand was given to the Sheriff, that of the Lands and Chattells of *R. B.* and *A.* his wife in his Bailiwick, he should cause to be made twenty pounds, and that he should have that here at this day, to wit, from the day of Saint Michael, in three weeks to render to the Plaintiffs, which to them the said Plaintiffs in the Court of the King here, were adjudged for the treble of their damages which they sustained, by reason of a certain wast in houses, in *R.* let to the aforesaid *A.* while shee was sole, for the Term of her life by *R. A.* Grand-Father to them the said *A. & M.* who shewes they are by the aforesaid *R. B.* and *A.* made to the disinheritance of them the said *A.* and *M.* and against the Form of the provision in that case provided, &c. And now here at this day came the aforesaid *A.* and *M.* by *I. P.* their Attorney, and the Sheriff returnes, that he took Goods and chattells of the aforesaid Defendants to the value of eight markes, which in the hands of him the said Sheriff, as yet remain unfold for want of Buyers: And that the same Defendants have no more Lands or chattells in his bailiwick whereof the residue of the money aforesaid may be made, &c. Therefore command is given to the Sheriff, that the said Goods and chattells of the aforesaid Defendants to the value of eight Markes by him the said Sheriff taken, and which remaine in his hands for want of Buyers, he should put to sale, and the money thereof coming, he should have here (such a Return) to render the aforesaid Plaintiffs in Form aforesaid, &c. And because it is testified in the Court of the King here on the behalf of them the said Plaintiffs, that the aforesaid Defendants have sufficient in the county aforesaid, whereof seventeen *l.* six shillings and eight pence, the residue of the aforesaid twenty pound, may be made and levied, command is given to the Sheriff, that of the Lands and chattells of them the said Defendants in the Bailiwick of him the said Sheriff he cause to be made the same seventeen pound six shillings and eight pence, residue of the aforesaid twenty pound, And that he have that here (such a Returne) to render unto the aforesaid Plaintiffs in form aforesaid, &c.

Note where upon a Fieri facias, the Sheriff returnes that he hath levied part of the debt, &c. Which remaineth in his hands for want of buyers, and before the Return thereof, a Superseas de non molestandis comes unto the Sheriff, and he returns this writ of Fieri facias, yet a venditioni exponas shall issue forth, Michaelmas 32: and 33. Eliz:

The

THE Keepers, &c. To the Sheriff of R. greeting; We command you, that of the Goods and Chattels which were of J: H: who died intestate as it is said, lately called J: H: in the hands of R: VV: and R: his Wife, Administratrix of the Goods and Chattels which were of the same I: at the time of his death being in your Bayliwick, you cause to be levied as well six pounds and ten shillings, parcell of a certain Debt of sixty pounds and ten shillings, which E. B. in our Court before, &c. recovered against him, as forty shillings which to him the said E. in our Court were adjudged for his Damages, which he had by occasion of the detention of that Debt, if the aforesaid R. and A. have so much Goods and Chattels which were of the aforesaid J. at the time of his death, in their hands to be administered. And if they have not, then the Damages aforesaid to be levied of the proper Goods and Chattels of the aforesaid R. and R: And that you have that money before, &c. (such a day) to render the aforesaid E. of the Debt and Damages aforesaid, whereof they are convict. And whereupon our Sheriff of London returns to our Justices at Westminster (such a Return last past) that the aforesaid R. and R. had no Goods or Chattels which were the aforesaid J. at the time of his death, in their hands to be administered, whereof the Debt and Damages aforesaid, nor any proper Goods or Chattels in their Bayliwick, whereby the Damages aforesaid or any parcell thereof they could cause to be made: Whereas it is testified in our same Court, that the aforesaid R. and R. have enough of Goods and Chattels which were the aforesaid J. at the time, &c. in your Bayliwick, whereof the Debt and Damages aforesaid may be made and levied: And that you have, &c. *witnesse, &c.*

Fieri facias against an Administrator.

THE Keepers, &c. To the Chancellor of the County Palentine, of the Bishoprick of Dunelyn, or to him that holds his place there, greeting: We command you, that by our Writ, under the Seale of the County Palentine aforesaid, duly to be made, you command the Sheriff of the same County, that of the Lands and Chattels of J: VV: you cause to be levied, &c. And that you have that money before our Justices at Westminster (such a Return) to render the aforesaid D: L: of his Debt and Damages aforesaid, whereof he is convict. And whereupon our Sheriffs of London returned to our Justices at Westminster (such a Return last past) that the aforesaid J: W: had no goods, &c. Whereas it is testified in our same Court, that the aforesaid J: hath sufficient in our County Palentine aforesaid, whereof the Debt and Damages aforesaid, may be made and levied; and that you have there then this Writ, *witnesse, &c.*

A Writ to the Chancellor of the County Palentine of Dunelyn.

Note where the Bishop is dead, the process shall issue to the Chancellor.

The entry of a
Fifa where
parcell is levi-
ed.

Mich. 27. &
28 Eltz. rot.
1454.

Command was given to the Sheriff, that of the Lands and Chat-
tels of *R. W.* in his Bayliwick he cause to be levied, as well a cer-
tain Debt of forty pounds, which *VV. R.* in the Court of our Lord
the King here, recovered against him, as thirty shillings which to him
the said *VV.* in the same Court here, were adjudged for his Damages
which he had by occasion of the detention of that Debt: And that
he should have that money here at this day, to wit (such a Return)
to render the aforesaid *VV.* of his Debt and Damages aforesaid,
whereof he is convict. And whereupon it is considered in the same
Court of our Lord the King here, that the aforesaid *W.* should have
Execution against the aforesaid *R.* of the Debt and Damages aforesaid
by default, &c. And now here at this day came the aforesaid
W. by *S. M.* his Attorney: And the Sheriff now returnes, that he
by vertue of the Writ aforesaid to him directed, of the Lands and
Chartels of the aforesaid *R.* had caused to be made two and twenty
pounds six shillings and eight pence, and that he had that money
ready at the day and place aforesaid; And that the aforesaid *R.* had
no other or more Lands or Chartels in his Bayliwick, whereof he
could make or levie the residue of the Debt and Damages aforesaid,
as by that Writ it was commanded unto him: Therefore command
is given to the Sheriff, that he take the aforesaid *R.* if, &c. and him
safely, &c. So that he might have his Body here (such a Return)
to satisfie the aforesaid *W.* of the residue of the Debt and Damages
aforesaid, in form aforesaid, &c.

Fieri facias
for the value
of Cattell and
damages.

Mich. 23. &
24. Eliz. rot.
24. 9. the
Judgement
thereupon.

The Keepers, &c. To the Sheriff of *M.* greeting: We command
you, that of Lands and Chartels of *W. Catesby*, Knight, *M. M.*
R. H. and *R. P.* in your Bayliwick, you cause to be levied, which
were adjudged to *John Somerville*, Esquire, in our Court before, &c.
for the value of five Oxen of his the said *J.* which the aforesaid *De-*
fendants (such a day and yeare) at *E.* tooke and unjustly detained, as
forty shillings, which to him the said *J.* in our same Court were ad-
judged for his damages which he had by occasion of the taking, and
unjust detention of the aforesaid five Oxen; And that you have that
money before, &c. To render the aforesaid *J.* for the value and da-
mages aforesaid, whereof he is convict: And that you have there then
this Writ, witnesse, &c.

Fifa upon an
Information
upon a Statute.

The Keepers, &c. To the Sheriff of *S.* greeting: We command
you that of the Lands and Chartels, &c. which the same *W.* hath
forfeited to us by the occasion of certaine offences; in taking little fi-
shes in the River of Thames at *B.* in your County, and destruction of
the same fish against the form of the Statute thereupon provided, by
the aforesaid *W.* committed: And that you have that money, &c. to
render

render us for the offence aforesaid whereof he is convict, &c.

The Entry of a Fisa against Executors, and a lease assigned to the Testator, it being in the hands of the Executor, was sold by vertue of a writ of Fisa, and a Testatum for the residue. Mich. 38. & 39. Eliz. Rot. 930.



Grand Cape.

The Keepers, &c. Take into our hands by the view of honest and lawfull men of your County (such tenements, &c.) in H. which R. R. in our Court before our Justices at *Westminster*, claimes against B. H. by our writ of forme of the gift in the remainder for default of him the said B. And that you shall make known to our Justices at *Westminster* the day of the taking by your letters sealed; And that you summon by good summons the aforesaid B. that he be before our Justices at *Westminster* (such a Return) thereupon to answer and shew wherefore he was not in our Court before our Justices at *Westminster*, from the day of *Easter* in fifteen dayes last past, as hee was summoned; And that you have there the names of those by whose view you do this: The summons and this Writ, witness, &c.

Grand Cape.
Mich. 6. & 7.
Eliz. rot. 1928
Cape ad va-
lentiam, and
a writ of ex-
tent.

BY vertue of this Writ to me directed (such a day and year within written) I have taken into the hands of our Sovereign Lord the King the Tenements within written, with the Appurtenances, by the view of A. B. and C. D. honest and lawfull men of my County as within is commanded me; Summon T. R. H. I. E. B. Esq; Sherif.

The return
thereof.

TO shew wherefore he kept not his day to him given by our Writs of Common adjournment in our Court before our Justices at our aforesaid Castle of *Hertford*, in the County of *Hertford*; on the morrow of *All-soules* last past, after he was summoned to be in our Court before our Justices at *Westminster* in eight dayes of Saint *Michael* then last past; And that you have, &c.

I. C. by T. D. his Attorney, offers himselfe the fourth day against J. M. S. of a Plea that he should be here at this day, to wit, in eight dayes of the *Holy Trinity*, to warrant to him the said J. one Messuage and six Acres of Land, with the Appurtenances in F, which R. VV. in the Court of the King here claimes as his right against the aforesaid I.

The Entry of a
Grand cape
ad valentiam
Trin. 15. Hen.

The entry of a
Fifa where
parcell is levi-
ed.

Mich. 27. &
28 Eliz. rot.
1454.

COMMAND was given to the Sheriff, that of the Lands and Chat-
tels of *R. W.* in his Bayliwick he cause to be levied, as well a cer-
tain Debt of forty pounds, which *VV. R.* in the Court of our Lord
the King here, recovered against him, as thirty shillings which to him
the said *VV.* in the same Court here, were adjudged for his Damages
which he had by occasion of the detention of that Debt: And that
he should have that money here at this day, to wit (such a Return)
to render the aforesaid *VV.* of his Debt and Damages aforesaid
whereof he is convict. And wherennon it is considered in the
Court of our Lord the King he
Execution against the aforesaid
said, by default, &c. And now
W. by *S. M.* his Attorney:
by vertue of the Writ aforesaid
Chartels of the aforesaid *R.*
pounds six shillings and eight
ready at the day and place aforesaid; And that the aforesaid *R.* had
no other or more Lands or Chartels in his Bayliwick, whereof he
could make or lewie the residue of the Debt and Damages aforesaid,
as by that Writ it was commanded unto him: Therefore command
is given to the Sheriff, that he take the aforesaid *R.* if, &c. and him
safely, &c. So that he might have his Body here (such a Return)
to satisfy the aforesaid *W.* of the residue of the Debt and Damages
aforesaid, in form aforesaid, &c.

IRREGULAR

Fieri facias
for the value
of Castell and
damages.

Mich. 23. &
24. Eliz. rot.
2319. the
Judgement
thereupon.

THe Keepers, &c. To the Sheriff of *M.* greeting: We command
you, that of Lands and Chartels of *W. Catesby*, Knight, *M. M.*
R. H. and *R. P.* in your Bayliwick, you cause to be levied, which
were adjudged to *John Somerville*, Esquire, in our Court before, &c.
for the value of five Oxen of his the said *J.* which the aforesaid *De-*
fendants (such a day and yeare) at *E.* tooke and unjustly detained, as
forty shillings, which to him the said *J.* in our same Court were ad-
judged for his damages which he had by occasion of the taking, and
unjust detention of the aforesaid five Oxen; And that you have that
money before, &c. To render the aforesaid *J.* for the value and da-
mages aforesaid, whereof he is convict: And that you have there then
this Writ, witnesse, &c.

Fifa upon an
Information
upon a statute.

THe Keepers, &c. To the Sheriff of *S.* greeting: We command
you that of the Lands and Chartels, &c. which the same *W.* hath
forfeited to us by the occasion of certaine offences; in taking little fi-
shes in the River of Thames at *B.* in your County, and destruction of
the same fish against the form of the Statute thereupon provided, by
the aforesaid *W.* committed: And that you have that money, &c. to
render

render us for the offence aforesaid whereof he is convict, &c.

The Entry of a Fisa against Executors, and a lease assigned to the Testator, it being in the hands of the Executor, was sold by vertue of a writ of Fisa, and a Testatum for the residue. Mich. 38. & 39. Eliz. Rot. 93.



Grand Cape.

PAGINATION

Is by the view of honest and nements, &c.) in H. which Westminster, claimes against the remainder for default of ce. known to our Justices at

Grand Cape.
Mich. 6. & 7.
Eliz. rot. 1918
Cape ad va-
lentiam, and
a writ of ex-
sent.

Westminster the day of the taking, our letters sealed; And that you summon by good summons the aforesaid B. that he be before our Justices at Westminster (such a Return) thereupon to answer and and shew wherefore he was not in our Court before our Justices at Westminster, from the day of Easter in fifteen dayes last past, as hee was summoned; And that you have there the names of those by whose view you do this: The summons and this Writ, witness, &c.

BY vertue of this Writ to me directed (such a day and year within written) I have taken into the hands of our Sovereign Lord the King the Tenements within written, with the Appurtenances, by the view of A. B. and C. D. honest and lawfull men of my County as within is commanded me; Summon T. R. H. I. E. B. Esq; Sherif.

The return
thereof.

TO shew wherefore he kept not his day to him given by our Writs of Common adjournment in our Court before our Justices at our aforesaid Castle of Hertford, in the County of Hertford, on the morrow of All-soules last past, after he was summoned to be in our Court before our Justices at Westminster in eight dayes of Saint Michael then last past; And that you have, &c.

I C. by T. D. his Attorney, offers himselfe the fourth day against M. S. of a Plea that he should be here at this day, to wit, in eight dayes of the Holy Trinity, to warrant to him the said J. one Messuage and six Acres of Land, with the Appurtenances in F, which R. VV: in the Court of the King here claims as his right against the aforesaid I.

The Entry of a
Grand cape
ad valentiam
Trin. 15. Hen.

The entry of a
Fifa where
parcell is levied.
Mich. 27. &
28 Eltz. rot.
1454.

COMMAND was given to the Sheriff, that of the Lands and Chattels of *R. W.* in his Bayliwick he cause to be levied, as well a certain Debt of forty pounds, which *VV. R.* in the Court of our Lord the King here, recovered against him, as thirty shillings which to him the said *VV.* in the same Court here, were adjudged for his Damages which he had by occasion of the detention of that Debt: And that he should have that money here at this day, to wit (such a Return) to render the aforesaid *VV.* of his Debt and Damages aforesaid, whereof he is convict. And whereupon it is considered in the same Court of our Lord the King here, that the aforesaid *W.* should have Execution against the aforesaid *R.* of the Debt and Damages aforesaid by default, &c. And now here at this day came the aforesaid *W.* by *S. M.* his Attorney: And the Sheriff now returns, that he by vertue of the Writ aforesaid to him directed, of the Lands and Chattels of the aforesaid *R.* had caused to be made two and twenty pounds six shillings and eight pence, and that he had that money ready at the day and place aforesaid; And that the aforesaid *R.* had no other or more Lands or Chattels in his Bayliwick, whereof he could make or leise the residue of the Debt and Damages aforesaid, as by that Writ it was commanded unto him: Therefore command is given to the Sheriff, that he take the aforesaid *R.* if, &c. and him safely, &c. So that he might have his Body here (such a Return) to satisfy the aforesaid *W.* of the residue of the Debt and Damages aforesaid, in form aforesaid, &c.

Fieri facias
for the value
of Cattell and
damages.
Mich. 23. &
24. Eliz. rot.
22. 9. the
Judgement
thereupon.

THe Keepers, &c. To the Sheriff of *M.* greeting: We command you, that of Lands and Chattels of *W. Catesby*, Knight, *M. M. R. H.* and *R. P.* in your Bayliwick, you cause to be levied, which were adjudged to *John Somerville*, Esquire, in our Court before, &c. for the value of five Oxen of his the said *J.* which the aforesaid Defendants (such a day and yeare) at *E.* tooke and unjustly detained, as forty shillings, which to him the said *J.* in our same Court were adjudged for his damages which he had by occasion of the taking, and unjust detention of the aforesaid five Oxen; And that you have that money before, &c. To render the aforesaid *J.* for the value and damages aforesaid, whereof he is convict: And that you have there then this Writ, witnesse, &c.

Fifa upon an
Information
upon a Statute.

THe Keepers, &c. To the Sheriff of *S.* greeting: We command you that of the Lands and Chattels, &c. which the same *W.* hath forfeited to us by the occasion of certaine offences; in taking little fishes in the River of Thames at *B.* in your County, and destruction of the same fish against the form of the Statute thereupon provided, by the aforesaid *W.* committed: And that you have that money, &c. to render

render us for the offence aforesaid whereof he is convict, &c.

The Entry of a Fisa against Executors, and a lease assigned to the Testator, it being in the hands of the Executor, was sold by vertue of a writ of Fisa, and a Testatum for the residue. Mich. 38. & 39. Eliz. Rot. 93.



Grand Cape.

The Keepers, &c. Take into our hands by the view of honest and lawfull men of your County (such tenements, &c.) in H. which R. R. in our Court before our Justices at *Westminster*, claimes against B. H. by our writ of forme of the gift in the remainder for default of him the said B. And that you shall make known to our Justices at *Westminster* the day of the taking by your letters sealed; And that you summon by good summons the aforesaid B. that he be before our Justices at *Westminster* (such a Return) thereupon to answer and shew wherefore he was not in our Court before our Justices at *Westminster*, from the day of *Easter* in fifteen dayes last past, as hee was summoned; And that you have there the names of those by whose view you do this: The summons and this Writ, witness, &c.

Grand Cape.
Mich. 6. & 7.
Eliz. rot. 1918
Cape ad va-
lentiam, and
a writ of ex-
tent.

By vertue of this Writ to me directed (such a day and year within written) I have taken into the hands of our Sovereign Lord the King the Tenements within written, with the Appurtenances, by the view of A. B. and C. D. honest and lawfull men of my County as within is commanded me; Summon T. R. H. I. E. B. Esq; Sherif.

The return
thereof.

To shew wherefore he kept not his day to him given by our Writs of Common adjournment in our Court before our Justices at our aforesaid Castle of *Hertford*, in the County of *Hertford*, on the morrow of *All-soules* last past, after he was summoned to be in our Court before our Justices at *Westminster* in eight dayes of Saint *Michael* then last past; And that you have, &c.

I C. by T. D. his Attorney, offers himselfe the fourth day against L. M. S. of a Plea that he should be here at this day, to wit, in eight dayes of the *Holy Trinity*, to warrant to him the said J. one Messuage and six Acres of Land, with the Appurtenances in F, which R. VV: in the Court of the King here claims as his right against the aforesaid I.

The Entry of a
Grand cape
ad valentiam
Trin. 15. Hen.

by the Writ of our Lord the King of the forme of guift in the difcendre, &c. And whereupon the fame I. in the Court of the King here calls the aforefaid *M.* to be fummomed in the County aforefaid, to warrantie againft him; And he came not; And fummoms, &c. The judgment that there be taken into the hands of our Lord the King of the Land of the aforefaid *M.* to the value, &c. And whereof, &c. And day, &c. And he is fummomed that he be here on the morrow of *All-foules*, &c. The fame day is given as well to the aforefaid *R.* who now appears by J. S. his Attorney, as to the aforefaid J. C, &c.

Grand cape ad
valetiam,

THe *Keepers*, &c. Take into our hands by the view of honeft and lawfull men of your County of the Land of *M.S.* for default of him the faid *M.* to the value of one Mefluage and fix Acres of Land with the Appurtenances in *F.* which *R. VV:* in our Court before, &c. Claims againft *I. C.* as his right by our Writ of form of guift in the difcendre; And whereupon the fame J. in our fame Court calls the aforefaid *M.* in your County to warrant againft the aforefaid *R.* And the day of taking, &c. And that you fummom by good fummoms the aforefaid *M.* that he be before, &c. (fuch a Return) to heare thereupon his judgement; and that you have there then the Summons and this Writ; witneffe, &c.

Petite cape,
Trinity 13.
Hen. 8. Rot.
720.

TAKE into our hands one Mefluage, with the Appurtenances in *T.* which J. F. and M. his Wife in our Court, &c. claimes as the right of her the faid *M.* againft *A.* the Wife of *O. E.* which by the default of him the faid *O.* her Husband, she was thereupon admitted by our Court of Entry for the Terme which is paff, and fummom by good fummoms the aforefaid *A.* that shee be before, &c. fuch a Return, to hear thereupon her judgement; And that you have there the fummoms and this Writ; Witneffe, &c.

The entry of a
Grand cape ad
valetiam
with adiourn-
ments of the
Term, Hillary
9. Hen. 8. Rot.
350.

DE V O N. ff. Before which day, the Plaint aforefaid was adjourned by the Writ of our Lord the King, of common adjournment unto *Oxford*, untill the aforefaid eight daies of the holy *Trinity*: At which day at *Oxford* aforefaid, the Plaint aforefaid was adjourned by another Writ of our Lord the King, of common adjournment, unto *Westminster* in the County of *Middlesex*, untill from the day of the holy *Trinity*, in fifteen daies then next following: At which faid fifteen daies of the holy *Trinity*, at *Westminster* aforefaid, came as well the aforefaid Plaintiff, as the aforefaid *A.* by their Attornies aforefaid; And upon this the aforefaid *A.* offers himfelfe the fourth day againft the aforefaid *R.* of the aforefaid Plea, that he fhould be here at this day, to warrant him the Tenements aforefaid with the Appurtenances, &c. And he came not, and fummoms, &c.

Judgment

Judgment that there be taken into the hands of our Lord the King, of the Land of the aforesaid *R.* to the value, &c. And whereof, &c. and day, &c. And he is summoned that he be here (such a Return) to warrant, &c. The same day is given to the parties aforesaid here, &c.

Greeting. Take into our hands the third part of three Acres, &c. which *R. T.* and *M.* his Wife, which was the Wife of *T : ? :* in our Court, claimes as the Dowry of her the said *M :* of the Endowment of the aforesaid *T :* in times past her Husband, against *J : B :* by our Writ of Dower, whereof she hath nothing for default of him the said *J.* And summon by good summoners the aforesaid *J :* that he be before, &c. (such a day) to heare thereupon his Judgment ; and that you have there then the Summoners, and this Writ, *witnesse,* &c. *Petite cape in Dower.*

Greeting. Take into our hands one Messuage, and six Acres of Land, &c. which *W : M :* in our Court before, &c. claimes as his Right, against *W : H :* and *A :* his Wife, by our Writ of *Super cui in vitain lo post :* and summon by good Summoners the aforesaid *W : H :* and *A :* that they be before, &c. (such a return) to heare thereupon their Judgment : And that you have there then the Summoners and this Writ, *witnesse,* &c. *Petite cape sur cui invita into poss.*

THE entry of a *Petite Cape*, after default at the *Affises*, see *Hillary Term*, 24 Eliz : Rot : 815.



Inquirie of Damages.

THE Keepers, &c. To the Sheriff of *M.* greeting : Whereas *H. I.* was attached of being in our Court before our Iustices at *Westminster* to answer *L. M.* wherefore he (such a day and yeare) by Force and Armes the close of him the said *L.* at *H.* he did break, and his grasse and corne, that is to say, Wheat, Rye, &c. there lately growing ; with certain Cattell ; that is to say, Horses, &c. did eate up, tread down, and consume ; and other harmes to him hee did to the great damage of him the said *L.* and against our Peace : in such manner in our Court it is proceeded in, that the aforesaid *L.* ought to recover his damages by reason of the trespassse aforesaid against the aforesaid *H.* But because it is not known what damage the aforesaid *L.* hath sustained by occasion of that trespassse ; We command by *A writ of inquirie of damages in trespassse.*

you, that by the Oth of honest & lawfull men of your County, you diligently enquire what damage the aforesaid *L.* hath sustained, as wel by occasion of the trespassse, aforesaid as for his charges and costs by him about his suit on that behalf laid out: And what inquisition thereupon you shall make, you shall make manifest to our Justices at *Westminster* (such a Returne) under your Seale, and the seales of them by whose Oath you shall make that inquisition: And that you have there the names of those by whose Oath you make that inquisition: And this Writ; witness, &c.

Writ of Enquiry in Replevin:

Greeting: Whereas *C. H.* and others were summoned to be in our Court before, &c. to answer *E. C.* of a plea, wherefore they the tenth day of *M.* (such a yeare) at *B.* in a certain place called *L.* they tooke the Cattell; that is to say, two Cowes of him the said *E.* and them unjustly detained against Sureties and Pledges as it is said: In such manner in our Court it is proceeded in, that the aforesaid *E.* ought to recover against the aforesaid Defendants his damage by reason of the taking and unjust detention of the Cattell aforesaid: But because it is not known, &c. (as in the former, changing what is to be changed.)

A Writ of Enquiry in Trespass upon the Case upon Bill against an Attorney.

The Keepers, &c. greeting: Whereas *H. B.* in our Court before our Justices at *Westminster* exhibited his certaine Bill against *E. P.* one of the Attorneys of our Court of Common Bench; For that whereas the same *H.* (such a day and yeare) and long before, and continually afterwards hitherto was seized, and as yet remains seized of one Water-mill and ten acres of Meadow, with the appurtenances in your County neer adjoyning to a certaine River there: And whereas the water of that River from time out of minde by a right and modest course was wont to run unto the Mill aforesaid; The aforesaid *E.* maliciously plotting and intending the aforesaid *H.* as well of the use, profit and commodity of the Mill aforesaid; as of the aforesaid tenne acres of Meadow, totally to deprive (the aforesaid such a day and yeare) and continually afterwards by the space of eleven dayes then next following, he did obstruct the ancient course of the water of the River aforesaid at *O.* aforesaid; by erecting a certain Shut there crosse that River between the Mill aforesaid, and the aforesaid tenne acres of Meadow; by reason of which said obstruction, the Mill aforesaid for want of water of the River aforesaid by the whole time aforesaid could not grind; and also the water of the River, the banke of the same River overflowing towards the aforesaid tenne acres of meadow, did totally drown the same tenne acres of meadow, by which hee the same *H.* the use, profit, and commodity as well of the Mill aforesaid, as of the aforesaid tenne acres of meadow by a great time, that is to say, from (such a day to such a day) then next following, so lost dan

and was destitute of, to the damage of him the said H. twenty pounds as it is said. In such manner in our same Court it is proceeded in, that the aforesaid H. ought to recover his damages by occasion of the Premises against the aforesaid E: But because it is not knowne what damages the aforesaid H. hath sustained by occasion of the premises: We command you that by the oath of honest and lawfull men of your country you enquire, &c. (as in the former.)

Greeting. Whereas J. B. in our Court before, &c. by the consideration of the same Court recovered against I. C. lately of T. in your County gentleman, Brother and heir of R. C. as well a certain debt of Forty pound as Forty shillings which to him the said I. B. in our same court were adjudged for his damages which he had by occasion of the detention of that debt whereof he is convict, of the Lands and tenements which were the aforesaid R. C. at the time of his death, in Fee simple, yet Execution of the judgement aforesaid, as to twenty pound of the debt aforesaid and damages aforesaid, as yet rests to be made: And therefore we command you, that by the oath of honest and lawfull men of your Bailiwick, you diligently inquire what Lands the aforesaid R. C. had at the day of his death in your Bailiwick, and if the same R. died seized of Lands and Tenements with the appurtenances in Fee simple, then what those Tenements are worth by the year in all Issues above reprizalls, and if by that inquisition it shall be found, that the aforesaid R. died seized in Fee simple of any Lands or Tenements in your same Bailiwick, then the same Lands and Tenements to him the said J. B. without delay according to the true value thereof, you shall deliver, to hold to him the said J. B. untill the aforesaid twenty pound of debt, and the damages aforesaid, shall be thereof levied, and in what manner; &c.

A writ of Inquiry, what Lands or tenements one had at the time of his death upon a recovery had against his heir, and to deliver them to the Plaintiff untill the Debt be levied.

This writ issued upon a judgement had by Nichil dicit, the judgment was, that the Plaintiff should recover his debt and damages, of the Lands and Tenements which were the Ancestors.

Greeting. whereas W. W. was summoned to be in our Court before, &c. to answer E. W. for that he tender to him the said E. a hundred shillings which he ought him and unjustly detained, for that, that is to say, whereas in the Statute, in the Parliament of our Lord Philip and Lady Mary, (rescinding the Declaration) the aforesaid W. W. in our same Court appearing, said that he could not deny the aforesaid Action of the aforesaid E. W. nor but that he ought the aforesaid E. the aforesaid hundred shillings, in the Form wherein the aforesaid E. had above against him declared by which it was considered in our same Court, that the aforesaid E. should recover

A writ of inquiry of damages upon the Statute of Philip and Mary for impounding of Cattel.

ver against the aforesaid *W.* his debt aforesaid, and his treble damages by reason of the premises, according to the Form of the statute aforesaid. But because it is not known what damages the aforesaid *E.* hath sustained by occasion of the premises, we command you, that by the oath, &c.

A writ of inquiry of waste after a Judgment by default.

Greeting. Whereas we lately commanded you, that you should **distrain** *J. D.* by all his Lands and chattells in your Bailiwick, so that neither he nor any by him lay hands upon them, untill you had thereupon another precept from us, and that of the issues of them you should answer to us: So that you might have his body before &c. (such a day last past) to answer *H. P.* of a plea, Wherefore, whereas by the common Counsell of our Realm of *England*, it is provided, that it shall not be lawfull for any to make waste sale or destruction of Lands, Houses, Woods or Gardens to them let for term of life or years he the same *I.* of Lands in *W.* which he holdeth for term of years, of the aforesaid *H.* of the Demise of *L. B.* and *R.* his wife who hold the same for the Life of her the said *R.* of the assignment which *W. H.* who demised the same to the aforesaid *I.* for the same term to the aforesaid *H.* made waste, sale, and destruction to the disinherittance of him the said *H.* and against the Form of the Provision aforesaid, the same *I.* in our same Court at that day made default, so that by the Statute in that case published and provided: it was considered in our same Court, that in your proper person, you should repair to the Lands aforesaid wasted, that is to say, unto four acres of meadow in *W.* aforesaid, and there inquire of the waste made in the same And therefore we command you, that in your proper person you repair to the aforesaid Four acres of meadow wasted, and there cause to come before you twelve, as well Knights, as other lawfull and honest men of that visnage by whom the truth of the matter may the better be known, and who neither the same *Plaintiff* nor the aforesaid *Defendant* touch by any affinity, and by their oaths diligently inquire what waste, sale or destruction the aforesaid *I.* hath made in the Lands aforesaid, that is to say, in plowing and rooting up with plowes four acres of meadow, parcell of the tenements aforesaid; the price of each acre fifty shillings, digging also in the same four acres of meadow six cart load of white clay, and earth, the price of each Load thereof Fourteen shillings, and the clay and earth thereof cast up, taking and selling to the disinherittance of him the said *H.* and against the Form of the provision aforesaid, and the inquisition which, &c.

Execution against an Heir of Land disseised, and inquisition of the value.

Greeting, whereas *H. R.* Esquire in our Court before, &c: by the consideration of the same Court, had recovered against *T. F.* lately of *C.* in your County Gentleman, Son and heir of *G. F.* Esquire lately called, &c: as well a certain debt of 120 pound, as Forty six shillings

shillings which to him the said *H*: in our same Court were adjudged for his damages, &c. whereof he is convicted to be levied of the manors of *C*: and *H*: with the appurtenances, and of two messuages, &c. with the appurtenances in *J*: in your country which were his, the aforesaid *G*: at the time of his death. Therefore we command you, that by the oath of honest and lawfull men of your Bailiwick, you diligently inquire how much the aforesaid manors, &c. with the appurtenances are of value by the year in all issues above reprizalls; And that inquisition by thee so thereupon made, the same Mannors, &c. with the appurtenances, according to the true value of them to him the said *H*. without delay you shall deliver to hold to him the said *H*: untill the damages aforesaid shall be thereof levied, and in what manner, &c. And that you have, &c.

THE King, &c. To *Edmond* by divine providence, Bishop of *N*: Greeting, Whereas *A*: *B*: widdow, who was the wife of *E*: *B*: Esquire in our court before, &c. demanded against *T*: *B*: Gentleman, the third part of the Mannors, &c. with the appurtenances in *G*: in the county of *N*, as the dowry of her the said *A*: of the indowment of the aforesaid *E*. in times past her husband: the same *T*: came into our same court, and said, that the same *A*: ought not to have her Dowry of the aforesaid Mannors, &c. because that the same was never coupled by lawful matrimony to him the said *E*: *B*. to which the same *A* by replication said, in our same Court, that she ought not to be thereby procluded from having her dowry aforesaid, for she said, that she at *Din* the county of *S* in your diocese was coupled to him the said *E*: *B* in lawful matrimony. And because the cognizance of such like causes belong to the Ecclesiasticall court, we command you, that calling together before you on that behalf those that are to be convoked, you diligently inquire into the truth of the matter upon the premises, and whatsoever you shal thereupon search out, you shall make manifest to our Justices at *Westminster* (such a Return) by your Letters closed, sending back this writ, witness, &c.

A writ of Inquiry directed to the Bishop upon an Issue Ne unques couple in Matrimony.

THE Execution of this writ is manifest in our Letters to this writ annexed.

The Return thereupon.

TO the worshipfull men, the Justices of our Lord the King of his Bench, *E*. by divine providence Bishop of *N*. everlasting Greeting, in our Lord God. We have lately received the writ of our said Lord the King annexed to these presents, with all the reverence it behoved, by vertue of this writ we certifie you, that observing all and singular the things in that writ specified, rightly and duly according to the rule of the Ecclesiasticall Law, and calling together on that behalf those

those which are to be called, we have caused speedy and diligent inquisition to be made of the truth of the matter, of and upon the premises aforesaid in that writ contained, by which we have found, and it clearly and evidently appears unto us, by letter of probation and other canonically requirites in that behalf, that *A. B.* in the aforesaid Writ named at *D.* in the county of *S.* in the Diocese of *N.* was coupled by lawfull matrimony to *E. B.* in the aforesaid Writ in like manner named, in testimony of which matter we have caused to be put our Episcopall Seal to those presents, having in like manner put our hands to those our Letter which closed to you the aforesaid Justices we transmit, dated at *N.* in our palace here (such a Day and year)

A writ of Inquiry of Dowry.

Mich. 15. year
King James
Rot. 2358.

WE command you, that by the oath of honest and lawful men of your county, you diligently inquire if *Paul Hamerton*, Esquire in times past the husband of *Anne Hamerton*, widdow, died seized of two acres of meadow with the appurtenances in *P.* (whereof the aforesaid *A.* in our Court before our Justices at *Westminster*, claimes the third part against *Richard Abbot*, as her dowry of the indowment of the aforesaid *P.* in time past her husband, and whereof the aforesaid *A.* hath recovered the third part aforesaid, and hath seisin thereof as her dowry) in his demesne as of Fee simple or tayl, and if by that inquisition you shall so find it by their oath, you shall diligently inquire what the tenements aforesaid with the appurtenances are worth by the year in all issues above reprimalls, according to the true value of them, and what time hath elapsed from the death of the aforesaid *P.* as also what damages the aforesaid *A.* hath sustained, as well by occasion of the detention of her dowry thereupon, as for her charges and costs by her the said *A.* about her suit in that behalf layd out, and the inquisition which, &c.

A writ of Inquiry after a fine, against an Administrator.

THE Keepers, &c. To the Sheriff of *M.* greeting; Whereas we lately commanded you by our Writ, that of the Goods and Chattels which were of *C. R.* who died intestate, &c. in the hands of *H. B.* Administrator of the Goods and Chattels which were the aforesaid *C.* in your Bayliwick, you should cause to be made as well a certain Debt of sixteen pounds, which *E. H.* in our Court before, &c. recovered against him, as forty shillings which to him the said *E.* in our same Court were adjudged for his Damages, which he had by occasion of the detention of that Debt, if the aforesaid *H.* had so much Goods and Chattels which were of the aforesaid *C.* at the time of his death in his hands to be administered, and if he had not, then the Damages aforesaid to be levied of the proper Goods and Chattels of the aforesaid *H.* And that you have that money before, &c. (such a Return last past) to render unto the aforesaid *E.* of the Debt and Damages

Damages aforesaid, whereof he is convict. And you returned to our Justices at *Westminster* at that day, that there were no Goods or Chattels which were the aforesaid J. C. at the time of his death, in the hands of the aforesaid H. in your Bayliwick to be administred, whereof the debt and Damages aforesaid, or any parcell thereof you could cause to be made: And further that the same H. had no proper Goods and Chattels in your said Bayliwick, whereof you could cause to be made the Damages aforesaid, or any parcell thereof: And because the Return aforesaid, seems to our Court to be made in delay of the Execution of the Recovery aforesaid; and on the part of the aforesaid E. it is testified in our aforesaid Court, before, &c. that the aforesaid H. after the death of the aforesaid E. divers Goods and Chattels which were the aforesaid J. C. at the time of his death had sold and converted to his own use, the money received for those Goods and Chattels, to that intention that the aforesaid Execution should not be made: We unwilling that those things which in our aforesaid Court, are rightly done and adjudged by craft or subtilty, to be made void: Command you, that of the Goods and Chattels which were the aforesaid J. C. at the time of his death being in the hands of the aforesaid H. in your Bayliwick, you cause to be made the Debt and Damages aforesaid, if in your Bayliwick they may be found, otherwise that by the Oath of honest and lawfull men of your Bayliwick, you make diligent Inquisition, what Goods and Chattels which were the aforesaid J. C. at the time of his death, by the aforesaid H. are sold, purloyned, or converted to his proper use: And the Inquisition which, &c. returnable (such a Return) under the Seale, &c. and Seales, &c.

THE Keepers, &c. To the Sheriff of H. greeting; Whereas N. F. lately of, &c. otherwise called N. F. &c. was summoned to be in our Court before our Justices at *Westminster*, to answer T. E. of a Plea that he holds in Covenant between them made, according to the force form and effect of certain Indentures, thereupon between them made; for that whereas by a certain Indenture made at H. (such a day and yeare) between the aforesaid T. by the name, &c. (as in the Declarations unto the Covenants) and then recite only the Covenant broke, and after as in the Declaration, untill after the end of the reciting the Indenture, and so the aforesaid N. F. although often required the Covenant aforesaid, for that whereas the same N. F. for him, his Executors and Administrators, did covenant and grant to, and with the aforesaid T. E. his Executors Administrators and Assignes, that if it happened, &c. (as in the Covenant) he hath not held but broke, and the same to him to hold hath denied, as it is said. In such manner in our Court it is proceeded in, that the aforesaid T. ought to recover his Damages, by reason of the breach of

*A writ of In-
quiry in Cove-
nant.*

the Covenant aforesaid, against the aforesaid *N.* But because it is not known what Damages the aforesaid *T.* sustained, by occasion of the breach of the Covenant aforesaid; We command you, that by the Oath of honest and lawfull men of your County, you diligently inquire what Damages the aforesaid *T.* sustained, as well by the occasion of the breach of the Covenant aforesaid, as for his costs and charges by him about his Suit, on that behalfe laid out: And the Inquisition which you shall thereupon make, you shall make to appeare to our Justices at *Westminster* (such a Return) under your Seale and the Seales of them by whose Oath you make that Inquisition: And that you have there the names of those, by whose Oath you make that Inquisition, and this Writ, *witnesse*, &c.

*Mittimus.*

*Mittimus to
the Chamber-
lain of Chest-
er,*

TO our Chamberlain of the County *Palatine of Chester*, or to him that holds his place there, greeting. We send unto you inclosed in the presents, the record of a certaint Plaint before *E. C.* Knight, and his Companions, our Justices of the Bench at *Westminster*, between *E. J.* Complainant, and *T. M.* lately of, &c. of a Plea of Debt, commanding, that you further give in charge the same Record, to the Justices of the County *Palatine of Chester* aforesaid, so that they have that at the next Session, before them within the County aforesaid, to be held after the same Record shall be delivered unto you, to cause to be done to the triall of that Issue therein specified; as to law shall pertain in that behalfe; and when that Triall and Issue shall be there made, the said Record of the same Plaint, with all that which thereupon shall be there done, you send to our Justices at *Westminster*, and this Writ, at a certain day which you shall prefix to the said parties in the same Court, before our Justices at *Westminster*, to heare thereupon their Judgment, *witnesse* *E. C. &c.*

Non

Non Omittas.

Command was given to the Sheriff, that he should attach *A. B. C. and D.* so that he might have them here at this day, to wit on Wednesday next after a Month of *Easter*, to answer *M. L.* one of the Attornies of the Court of the Keepers, &c. of common Bench here, according to the liberties and privileges of the same Court, for the like Attornies and other Ministers of the same Bench, from time out of minde used and approved in the same, of a Plea of Debt severally: And now here at this day came the aforesaid *M.* in proper person: And the Sheriff now returnes, that for the Execution of the Writ aforesaid, to him thereupon directed, he had commanded the Bailiffs of the Village of *G.* which hath full return and Execution of all and singular VVrits and VVarrants within the Village aforesaid, that he should attach the aforesaid *A. B. C. and D.* which said Bailiffs to him thereupon have given no answer: Therefore command is given to the Sheriff, that he should not omit for any liberty of the Village aforesaid, but he should attach the aforesaid *A. B. C. and D.* so that he might have them here (such a Return) to answer the aforesaid *M.* of the aforesaid Plea, &c.

*The entry of a
Non omittas.*

THE Keepers, &c. To the Sheriff of N. greeting; VVe command you, that you do not omit for any liberty of the Maior and Sergeant at Mace, of the Burrough of *B.* but of the Lands and Chattels of *G. G.* within that liberty, you cause to be made as well a certain Debt of forty pounds, which *R. B.* in our Court, before our Justices at *Westminster*, hath recovered against him, as forty shillings which to him the said *R.* in our same Court were adjudged for his Damages, which he had by occasion of the detention of that Debt, whereof he is convict: And that you have that money before our Justices of the common Bench at *Westminster*. (such a Return) to render the aforesaid *R.* of the Debt and Damages aforesaid. And whereupon you your selfe returned to our Justices at *Westminster* (such a Return last past) that for the Execution of the VVrit aforesaid, to you in Form aforesaid directed, you had commanded the Maior and Sergeant at Mace, of the Burrough of *B.* who had full Return of all writs and Executions thereof, within the liberty aforesaid, to whom the Execution of that VVrit did pertain to be made, for that the Execution of that VVrit without that liberty could not be made by you, who

*The VVrit of
Non omittas.*

who to you thereupon gave no answer, And that you have,
&c.

Non omittas
upon a Casu.

THe Keepers, &c. To the Sheriff of *L.* greeting. We command you, that you omit not for any Liberty of the Liberty of the Rape of *D.* but that you take *A. B.* lately of, &c. if he be found within your Bailiwick, and him safely keep, so that you may have his Body before our Justices of the Common Bench at *Westminster*, (such a Return) to satisfie *I. D.* as well of a certain debt of a hundred pound which he the said *I. D.* in our Court before our Iustices at *Westminster* hath recovered against him, as of sixty shillings which to him the said *J. D.* in our same Court were adjudged for his damages which he had by occasion of the detention of that debt, whereof he is convict, and whereupon you yourself returned to our justices at *Westminster* (such a return) last past, that as to the taking of the aforelaid *A. B.* you had commanded the Bailiff of the Liberty of the Rape of *L.* who hath full return o fall writs and Execution of them within that Liberty, to whom the Execution of that writ pertained to be made, for that the Execution of that writ out of that Liberty could not be made by you, who to you thereupon gave no answer, and that you have there then this writ; witnesse, &c.



Partition.

A writ of partition.

Greeting. Whereas *M. G.* Gentleman, and *J.* his Wife, *J. W. J. C.* and *W.* were summoned to be in our Court before our Justices of the Common Bench at *Westminster*, to answer *R. A.* Esquire, of a plea, whereas when as they *M. G.* and *J.* his Wife in the right of her the said *I. J. W. J. C.* and *W.* together and undivided, do hold nine Messuages, two hundred acres of Land &c. with the appurtenances in *S.* they the said *N. J. J. J.* and *W.* do deny thereupon to make partition between them, according to the forme of the Statute in that case provided, and the same to be made permit not most unjust y and against the Form of the Statute aforelaid, as it is said, in such manner in our same Court it is proceeded in that partition shall be made between the aforelaid (*Plaintiff*) and the aforelaid (*Defendants*) of the Tenements aforelaid with the appurtenances. And therefore we command you, that taking with you twelve free and lawfull Knights of the Visenage aforelaid, by whom the truth of the matter may the better be known, in your proper

per person you goe unto the tenements aforesaid with the appurtenances, and there by their oath in the presence of the parties aforesaid, by you to be warned, if they will be present, the same tenements with the appurtenances having respect to the true value of them in nine Equall parts you cause to be parted, and six parts of those parts to the aforesaid *R.* and one other part of the same Tenements with the appurtenances to *M.* and *J.* his wife in right of her the said *J.* and another part of the same with the appurtenances to the aforesaid *J.* and *W.* as also one other part residue of the same tenements with the appurtenances to the aforesaid *J. C.* and *W.* to hold to them in severallty, you cause to be assigned and delivered, so that neither the aforesaid *R.* nor the aforesaid *M. J. J. J.* and *VV.* have more of the tenements aforesaid with the appurtenances then unto them pertaineth to have, and that the aforesaid *R.* of his aforesaid six parts, to him the said *R.* of the Tenements aforesaid with the appurtenances belonging, and that the aforesaid *M.* and *J.* his Wife of their aforesaid one part to them the said *M.* and *J.* in right of her the said *J.* thereof belonging, and that the aforesaid *I.* if his aforesaid one part to him the said *J.* thereof belonging, as also that the aforesaid *I. C.* and *W.* of their aforesaid one part to them the said *I. C.* and *W.* thereof belonging, may be able severally to possesse themselves, and that partition by you distinctly and openly so made you have before our justices at *Westminster* (such a Return) under your seal, and the seals of them by whose oath you make that partition, and that you have there the names of those by whose oath you make that partition, and this writ. witness, &c:

COMmand was given to the Sheriff, whereas *R. S.* was summoned to be in the Court of the King, here to answer *I. M.* of a plea wherefore, &c. And that the same Sheriff should have that partition by him the said Sheriff so distinctly and openly made before the justices of our Lord the King here at this day, to wit (at such a Return) And now here at this day came the aforesaid Plaintiff by *B. J.* his Attorney, and the Sheriff to wit *A. S.* Esquire, now returns, here the writ aforesaid in all things executed in form following, *Gloucester ss.* therefore it is considered, that the Partition aforesaid shal be held firm and stable, &c.

The Entry of a
Partition executed.
Pasch. 16 E.
liz. rot. 1808.

Priviledge



Priviledge.

*A writ of Pri-
viledge for an
Officer of the
common bench,
that have not
chosen a Con-
stable.*

TO the Maior and Aldermen of London, and every of them, greeting; Whereas out of our regall Deeency and custome, in our and our Progenitors Court of the common Bench, from time out of minde, all and singular our Justices of the same Bench, as also all and singular Officers, Clerks, Attornies, and Ministers of the same Bench, who are bound by the Bond of their Oath, to imploy there professions for us and our people; which said Court is regall, and chiefly deputed to administer Justice to our leige people, ought not to be chosen or compelled to any other Offices elsewhere, then in the Bench aforesaid to be exercised, by which they may be withdrawn from our Court aforesaid, according to the liberty and priviledge of our Court aforesaid, from the time aforesaid used and approved: The Inhabitants of the Ward of I. within your Jurisdiction, having no consideration unto the dignity, honour, and priviledge aforesaid, do earnestly intend, as we are informed, to choose *A. B.* into the Office of one of the *Constables* of the Ward aforesaid, having the care of our House of Treasury of the Bench aforesaid, where our Records of the same Bench are kept, and whose continuall residence in our Court aforesaid, for us and our leige peoples profit and advantage, is required, as according to his Office he stands justly bound, which if it were permitted, would redound manifestly to the losse of us and our leige people, in our aforesaid Court of Bench aforesaid, prosecuting and defending, as also of him the said *A.* whereupon the said *A.* by supplication, gave us to understand the Premisses, and we granting the supplication of him the said *A.* and willing inviolably to keep our leige people firmly and stably, as also the State, Liberty, and Priviledge of our Court aforesaid; you the said Maior and Aldermen, and every of you, we command that you command the Aldermen and Inhabitans of the Ward aforesaid, that altogether omitting the Election to be made of the aforesaid *A.* into the Office aforesaid, you cause to be chosen into the Office aforesaid, one other fit person, who may be usefull to the Inhabitants aforesaid; And if the aforesaid *A.* shall be chosen unto that Office, before the receaving of this our command: Then we will that you wholly quash, and annihilate that Election, and all manner of Fines and Amerciaments, by him the said *A.* before you upon that occasion forfeited, or to be forfeited, adjudged or to be adjudged, you release to him the said *A.* And that you altogether supersede to
amerce

amerce the said *A.* any further upon that occasion, *Witnesse, &c.*

TO the *Maier, Aldermen, and Sheriffs of London, and every of them, greeting*; Whereas the *Clarks and Ministers of our Court of common Bench* ought not against their will to be drawn or compelled, nor in any times past were wont to answer before any our *Justices or Ministers*, or any other secular Judges whatsoever, besides before our *Justices of our Bench aforesaid*, upon any *Pleas, Plaints, or Demands*, which touch not us; *Pleas of Free-hold, Felony, and appeale*, only excepted, according to the custome of our *Bench aforesaid* hitherto used and approved. Now we have received of the grievous complaint of *C. G.* one of the *Clarks of John Ford*, chiefe Prothonotary of our *Court of Bench aforesaid*, that certain malevolent persons plotting him the said *C.* greatly to oppresse, the same *C.* in our *Court* before you, by divers *Plaints* which touch not us, do greatly implead and disturbe, and intend to implead and disturbe, whereby the losse he the said *C.* the businesse of the Office of his *Master aforesaid*, of the *Bench aforesaid* concerning may be able to intend as he ought, which if it be permitted, would manifestly redound to the derogation and subversion of the *Jurisdiction of our Court of Bench aforesaid*, and the *Liberties, Priviledges, and Customes of the same Court*: And because the *Jurisdctions, Priviledges, and Customes aforesaid*, from so long a time obtained and approved, we would have to be observed unhurt; We command you and every of you, that of all and singular *Pleas and Plaints*, against him the said *C.* by what name soever he shall be judged in the same, in our *Court* before you or any of you, moving or depending *Pleas of Free-hold, felony, and appeale*, only excepted, you and every of you altogether supersede, telling the parties *Plaintiffs* in those *Plaints* on our behalfe, that if it shall seem expedient unto them, they may prosecute their *Plaints aforesaid*, before our *Justices of the Bench aforesaid*, *witnesse, &c.*

A Writ of Priviledge for a Clarke who is sued in an inferior Court.

THe *Keepers, &c.* To the *Sheriffe of L. greeting*. It is shewed unto us on the behalf of *J. Webster*, Keeper of our *Seale of Common Bench* for the sealing of *Writs* in the same *Bench*; that whereas he and all other *Officers* in the same *Bench* daily waiting on their offices there, ought not to be returned or impannelled upon any *Affizes, Juries, or Inquisitions* before any secular Judges, besides before our *Justices of the Bench aforesaid*, nor in any times past were wont, according to the liberties and priviledges of our *Court of Common-bench aforesaid* from time out of mind used and approved in the same; yet you little knowing the priviledge aforesaid, the aforesaid *I.* daily waiting on his office in the *Bench aforesaid* on *Juries and Inquisitions* within your *Bayliwick* you impannell and put, or cause to be impannelled

A Writ of Priviledge for a Keeper of the Seal, not to put upon a Jury or Inquisitions.

nelled, whereby the said J. daily occupied in his office in the Bench aforesaid, can the less intend it as he ought, to his the said J. no little damage, and against the liberties and priviledges aforesaid: Whereupon the said J. hath supplicated us to provide for him a fit remedie in that behalfe. Wee willing to have done to him the said J. in that behalfe that which is just and consonant to reason, and to have inviolably kept the liberties and priviledges aforesaid; do command you that you impanell not, nor cause to be impanelled the aforesaid or any Affizes, Juries, or Inquisitions in your Bayliwick, contrary to the Liberties and Priviledges aforesaid, from the whole time aforesaid used and approved. Witnesse, &c.

A writ of priviledge, to remove a Cause out of an inferior Court.

Creeting. It is shewed us on the behalfe of *B. C.* that whereas he and every free man of *England*, in coming towards the Court of Common Bench at *Westminster*, there to prosecute or defend any Plea or Writ, or there staying, or from thence returning about their affaires, have used, and ought to be under our protection according to the Liberties and Priviledges of the said Court of Common Bench time out of memory used and approved in the same. Neverthelesse some evil willers contriving much to oppress the said *B.* have unjustly procured him the said *B.* to be arrested by your Ministers, and in Prison under you, or some of your custodie to be detained. After that he the said *B.* had come to the said Court of Common Bench this Terme to speak with his Counsell and Attorney, to have their advice in a plea of Debt upon demand of twenty pounds, prosecuted by him the said *B.* in the said Court against one *A.* whereupon a Writ to take the bodie of the said *A.* hath issued out of the Court aforesaid, directed to the Sheriffs of *London*, and is retornable in the said Court before the Justices of the Common Bench at *Westminster*, and was returning about his affairs, to the great damage and grievance of the said *B.* and contrary to the Liberties and Priviledges of the Court aforesaid. Whereupon he hath besought us for remedie herein, We willing that thole things which are just and agreeable to reason should be done in this behalfe, and that the Liberties and Priviledges abovesaid should inviolably be observed, do command you, and every (or either) of you that if the aforesaid *B.* be detained in Prison under the custodie of you, or any (or either) of you, that then you, or one of you have before the Justices of the Common Bench at *Westminster* (such a return) the bodie of the said *B.* by whatsoever name he be called, together with the day and cause of his taking and detaining, that upon view thereof, the said Justices may do in this behalfe what of right, and according to the law and custome of *England*, and Liberties and Priviledges aforesaid ought to be done: And that you have there then this writ, Witnesse, &c.

AS before, untill (prosecuted by him the said *B.* against one *A.* in the said Court) whereupon the said *A.* hath pleaded to tryall of the Country to be tryed in *L.* whereupon our Writ of *Venire Facias* of twelve Jurors between them to be impanelled to you the afore.aid Sheriffs directed before our Justices at *Westminster* (such a return) next to come remains retournable, &c.

Where they are upon triall.

After he had repaired to our afore.aid Court this self same Terme to sue and act in our same Court what should be requisite unto him to help disburthen himselfe of a certaine Outlawrie against him the said *T.* at the suite of him the said *C. B.* of a plea of debt pronounced, lodging in *London*, and daily attending on our said Court for that business by your Ministers, &c.

Otherwise for the discharge of an Outlawry.

The same *T.* after he had repaired to our afore.aid Court in this selfe same Terme, and had levied a certain Fine between him the said *T.* Plaintiff, and *7. VV.* Defendants, of twenty Melsuages, &c. with the appurtenances in *L.* and *B.* in the County of *S.*

Otherwise upon levying of a Fine.

Greeting : It is shewed unto us on the behalf of *M. P.* Gentleman, one of the Attorneys of the Court of Common Bench at *Westminster*, that whereas he is a common Attorney in the same Court, and divers businesses of many of the people of this Common-wealth in the same Bench to be prosecuted and defended, as their Attorney doth prosecute and defend; and the same *M.* and all other Attorneys of the same Bench that doe prosecute and defend for their Masters and Clients, ought not to be drawn or compelled to answer before any secular Judges, but before the Justices of the Common Bench afore.aid, to any Pleas or Plaints, Pleas of Felonie and Appeale, and Pleas of Free-hold only excepted; nor from the time whereof there is no memory of man have been accustomed; yet nevertheless certaine ill-minded men, not knowing the priviledges of the same Court, doe propound, and intend to implead him the said *M.* before you as wee have understood, and by your Ministers they intend to arrest, summon, attach, distraine, and molest him, to the great damage of him the said *M.* and to the manifest danger of very many of our good people, whose businesses the said *M.* in the said Court of Common bench as their Attorney doth prosecute and defend. Whereupon the said *M.* hath besought us for a convenient remedie in this behalfe to be provided for him : And we being willing to doe to the said *M.* that which is just and agreeable to reason in this behalfe, and to have our Liberties and Priviledges of our Court afore.aid to be inviolably observed : We command you that in all and all manner of actions and plaints against the said *M.* by whomsoever before you moved us to be

A writ of priviledge to secure an Attorney from arrest.

moved, by what names soever the parties in the same are taken (except before excepted) you do altogether supersede. And if the said *M.* by reason of the premises aforesaid, and for no other be detained, that then you release him without delay out of your Prison, telling the said Plaintiffs in the said Plaints on our behalfe, that they prosecute their Plaints in our said Court of Common Bench, there to have Justice against him, if to them it shall seem expedient, &c.

*The like where
a person is suing
out an Outlapy.*

THE Keepers, &c. To the Maior, Aldermen, and Sheriffs of London, and to every of them greeting; It is shewed unto us on the behalfe of *J. T.* that whereas he and every of our Leige people, in prosecuting and defending their busineses, in our Court of common Bench, ought to be under our protection, according to the Liberties and Priviledges in our same Court, from the time of the memory of man, without summoning or arresting by the Ministers of any Court, inferiour to our said Court of common Bench, in any wise to be brought upon them, and without any other trouble to be brought upon them, by vertue of any Processe of *Scire facias*, or other Processe against them, issuing out of any Court, inferiour to our said Court of common Bench, for which they should be bound to answer, when as the common Law is there open to all men, yet some ill minded men, plotting him the said *J.* greatly to oppresse, the same *J.* as he was coming towards our Court, this selfe same Term to prosecute in our said Court, one certain Writ of *Capias* against *A. M.* of London, Equire, outlawed in London. (such a day and yeare) at the suit of him the said *I.* in a plea of Debt to be in our aforesaid Court, to do and receive what our Court should consider of him in that behalf, that so by that means he might be able the sooner to obtain the Effect of his action aforesaid, have by your Ministers or some of them procured to be summoned, arrested, and in our prison under your custody or some of yours to be detained, as also most unjustly have procured to be prosecuted a certain processe of *Scire facias*, issuing out of our Court before you the said Maior and Aldermen, held against him the said *I.* to his the said *J.* great damage and greivance, and against the Liberties and priviledges aforesaid: whereupon he hath supplicated us to provide for him a fit remedy, we willing to do to him the said *J.* that which is just and agreeable to reason in this behalf and the Liberties and priviledges aforesaid, to have inviolably kept; we command you, and every of you, that if the aforesaid *J.* be summoned by your Ministers, or any of them; or by them taken and detained in our prison under your custody or any of yours, or if any processe of *Scire facias* be issued forth against him the said *J.* out of our Court aforesaid, held before you the said Maior and Aldermen, for which the same *J.* shall be bound to answer before you, or any

any of you, then him the said J. by what name soever he shall be called, together with the day, and cause of his summoning, taking, & detention, and that processe of *Scire fac* aforesaid, before you the aforesaid Maior and Aldermen against him the said J. prosecuted, together with the day of the issuing forth thereof, you have; or one of you have before our justices of the Common Bench at *Westm* (Such a Return) that our same justices having seen the cause aforesaid, may be able to do in that behalf what of Right, and according to the Law and custome of our Common-Wealth of *England* and the Liberties and priviledges aforesaid ought to be done, and that you have there, &c.

E *Lizabeth, &c.* To our Commisshioners in the County of *Middlesex*, for the taxing and levying of *Subsidies*, granted in our Parliament held in the forty fourth year of our reign, and to every of them, as also to the Knights chosen and returned of, and for the same county of *Middlesex*, for the Parliament aforesaid, and to every of them Greeting. Whereas out of our regall decency and custome in our and our Progenitors Court of Common Bench time out of memory used, all and singular our justices of the same Bench, as also all and singular the Officers of the same Bench, who are tyed by the Bond of their oath, to attend upon us and our people in their profession, which said Court is regall, and cheifly deputed to administer Justice to our Leige people, ought not to be chosen or compelled unto the Exercising or Executing any Offices else where then in the Bench aforesaid, by which they may be withholden from our Court aforesaid, according to the Liberties and priviledges of our Court aforesaid, from the whole time aforesaid used, and approved, and the honour of our dignity, you, or some of you having no consideration unto the Honour, Dignity and priviledges aforesaid, *Richard Pace*, one of the Exigentors of our Court of Common Bench, whose continuall residence is required in our Court aforesaid for us and our Leige peoples profit and utility, as according to the duty of his office he is bound, into the office of a collector of the *Subsidies* of tenths and fiteenths, in our aforesaid Parliament granted, or of some of them you do importnatly intend or some of you intend as we are informed, which if it should be permitted would manifestly redound to the great losse and hinderance of us our leige people, and his the said R. in our aforesaid Court of Common Bench aforesaid, prosecuting and defending, as also to the derogation of the Liberties and priviledges of our court aforesaid, whereupon the same R. by supplication hath given us to understand the premises, and we having regard to the supplication of him the said R. and willing to have the Lawes and customes aforesaid entire and stable: as also the state of our court aforesaid and the Liberties and privi-

A writ of Priviledge for an Exigentor.

priviledges thereof to be inviolably observed, we command you and every of you, that you do in no wise cause to be chosen; the aforesaid *R.* into the Office of Collector of the *Subsidies*, tenchs and fifteenths aforesaid, or of any or any part thereof, nor him the said *R.* to the executing of that office in any manner you compell, or any of you compell, and if you have chosen, or any of you have chosen him the said *R.* before the receiving of this Writ into that office, or any of it, then we will, that you quash that Election, and that you make it void; and that you discharge or cause to be discharged the same *R.* from that Office under a penalty, Witnes &c.

{ *E. Anderson,* } { *T. Walmesley.* }
 { *G. Kinsmill.* } { *P. Warburton.* }

*Priviledge for
 an Attorney who
 is sued in an in-
 ferious Court.*

Greeting, It is shewed unto us on the behalfe of *I. F.* one of the Attornies of our Court of common Bench, that whereas as he remains a common Attorney in the Bench aforesaid, and prosecutes and defendeth divers businesses of very many people, as their Attorney to be prosecuted and defended in that Bench. And the same *I.* and all other Attornies in the aforesaid Bench, whilst they so prosecute or defend any businesse in the same Bench, according to the Law and Custome of our Realm of *England*, ought and were accustomed to be under our protection, according to the Liberties and Priviledges of our Court of common Bench aforesaid, from time out of memory used and approved in the same; yet some ill minded men, plotting him the said *I.* greatly to oppresse, as we are given to understand, have procured him the said *I.* before you to be impleaded, and by your Ministers or some of them, to be arrested, and to be detained in our Prison in your custody, or some of you, most unjustly to his the said *I.* great losse, and the manifest danger of very many of our leige people, whose Attorney he was, prosecuting and defending in our Court of common Bench aforesaid, and against the liberties and priviledges aforesaid; whereupon he hath implored us, to provide for him a fit remedy, we willing to have done to him the said *I.* that which is just and agreeable to reason, and the Liberties and Priviledges aforesaid to have inviolably kept; command you and every of you, that in all and singular Pleas and Plaints, against him the said *I.* by whatsoever name he is called, in our Court before you or any of you, moved or moving or depending (Pleas of Free-hold, Felony and appeale, only excepted) you do altogether supersede to be holden, and every of you altogether supersede, telling the parties Plaintiffs in those Pleas or Plaints on our behalfe, that if it shall seem meet unto them, they may prosecute their complaints against him the said *I.* in our Court of common Bench, witnesse, &c.

Greeting

Greeting. It is shewn unto us on the behalfe of I. M. that whereas the and every of our leige people, in prosecuting and defending their businesse in our Court of common Bench, ought to be under our protection, and were accustomed so to be in times past, according to the Liberties and Priviledges in the same Court, from the time out of the memory of man used and approved in the same, without summoning, arresting, attaching, or distraining of their Bodies or Goods or Chattels, by the Ministers of any Court, inferiour to our said Court of common Bench, in any manner to be brought upon them, whilst they ought earnestly to attend that Court, where the common Law is open to serve all men, yet some ill-minded men, plotting him the said J. greatly to oppresse, the aforesaid J. as he was coming towards our court of Common Bench this self same Term, to speak with his Counsell &c. (as in others) by your Ministers or some of them have procured to be attached and distrained by divers Goods and chattels, whereby the said J. is the lesse able as he ought to attend the Prosecution and defence of the pleas aforesaid, whereupon he hath supplicated us to provide for him a fit remedy in that behalf, and because we will have that thereupon done which is just and agreeable to reason, and have the Liberties and priviledges aforesaid inviolably kept, we command you and every of you, that if the aforesaid J. by your Ministers be attached by any Goods or chattels, then you return to our Iustices of our Common Bench at *Westminster* of the day, and cause, quality and quantity of that Attachment, by what name soever he be called (such a day next comming) that they by you thereupon being informed, may be able to do according to the Law and custome of our Realm of *England*, and the liberties and priviledges aforesaid, that which is just, and that you have there then this writ, witnesse &c.

*Priviledge for
the remove of
a cause upon an
Attachment in
an Inferiour
Court.*



Habeas corpus.

THE Keepers, &c. To the Warden of our Prison of the Fleet, greeting; We command you, that you have before our Iustices of the common Bench at *Westminster*, (such a return) the Body of *A. B.* by what name soever he be called, in our Prison under your custody detained, as it is said, to do and receive what our Court shal consider of him in that behalfe: And this you are in no wise to omit, under the pain of a hundred pounds, and that you have there then this Writ.

*Habeas corpus
to the warden
of the Fleet.*

Greeting

A habeas corpus before the chiefe Justice.

G*reeting.* We command you, that you have before *Oliver Saint John*, chiefe Justice of the Court of common Bench at *Westminster*; at his Chamber in *Lincolnes Inne*, in *Chancery Lane*, *London*, immediately after the receipt of this Writ, the Body of *T. M.* in our Prison under your custody, as it is said, detained, together with the day and cause of his taking and detaining, to do and receive that which the same our chiefe Justice shall consider of in that part: And that you have, &c.

Habeas Corpus Juratorum in London.

G*reeting.* We command you, that you have before the Justices of the common Bench at *Westminster* (such a Return) or before *J. P.* one of the Justices of the common Bench aforesaid assigned to take Assises, according to the form of the Statute thereupon provided, if on (such a day, the day of the triall at *Guild-Hall*, *London*) shall first come the Bodies of (naming the Jurors) Jurors summoned in the Court of common Bench, before the Justices of the same Bench at *Westminster*, between *T. O.* Plaintiff, and *R. C.* lately of, &c. of a Plea of Debt to make that Jury: And that you have, &c.

The like in the Country.

G*reeting.* We command you, that you have before the Justices of the common Bench at *Westminster* (such a return) or before the Justices, assigned to take Assises in your County, by the form of the Statute, on (such a day, the seventh day of 7. at *T.* in your County, shall first come the Bodies of *T. L.* &c. as before.

The like for a Jury a Bay.

G*reeting.* We command you, as we have often commanded you, that you have before the Justices of the common Bench at *Westminster* (such a Return) the Bodies of (naming the Jurors summoned, &c.



Procedendo.

Procedendo upon a Writ of Priviledge.

G*REETING.* Whereas it was shewed us (and so recite the Writ of Priviledge) yet because to our Justices at *Westminster*, for certain causes them especially moving, it sufficiently appears that the aforesaid *T.* the Liberties and Priviledges aforesaid may or ought in no wise for the present to enjoy; We command you and every of you, that in all and singular the Pleas and Plaints, in our Court before you or any of you, against him moving or depending, according to the Law and custome of our Realm of *England*,

England, and the aforesaid *City of London*, you proceed, and every of you proceed with effect, our aforesaid Writ of Priviledge, to you and every of you lately directed, in any thing not hindring, *witnesse*, &c.

Greeting. Whereas we lately commanded you by our Writ of Priviledge, on the behalfe of *R. W.* that if the aforesaid *R.* stood detained in our Prison, under your custody, or any of yours, then him by what name soever he should be called, together with the day and cause of the taking and detaining of him, you should have before our Iustices at *Westminster* (such a Return) to do and receive, what our Court there should consider of him; yet because to our Iustices aforesaid, for certain causes them especially moving, it sufficiently appears that the aforesaid *R.* the Liberties and Priviledges in the aforesaid Writ contained, at the present ought in no wise to enjoy: We command you, that in all and singular the Pleas and Plaints in our Court, before you or any of you, against him, moving or depending, according to the Law and custome of our Realm of *England*, and of the aforesaid *City of London*, you proceed, and every of you proceed with effect, &c.

YET because to our Iustices at *Westminster*, it now sufficiently appears, that our aforesaid Writ of *Procedendo* issued out most unduly and erroneously: Therefore we command you and every of you, that from any further prosecution, in any Pleas or Plaints in our Court, before you or any of you, against him the said *A.* moved or depending, by pretext of our aforesaid Writ of *Procedendo*, to you lately directed, you altogether forbear, and every of you forbear, *witnesse*, &c.

THE King, &c. to the Bailiffs of the Mannour of *VV. greeting.* Whereas by our writ we lately commanded our Sheriff, of *S.* that taking with him foure discreet and lawfull Knights of his County, in his proper person, he should approach unto our Court of *W.* and in that full Court, cause to be recorded the Plaint which was in our Court, by our small writ of Right, between *A. C.* widow, Demandant, and *T. S.* and *R. W.* Defendants of one Messuage with the Appurtenances in *W.* and should have that Record before, &c. (such a Return) under his Seale, and the Seales of foure lawfull men of the same Court, of those who are Interested in that Record, and should prefix to the aforesaid parties, the same day that they should be then there, to proceed further in the aforesaid Plaint, as should be just: Before which day, the aforesaid Plaint was adjourned by our writ of common Adjournment, before our Iustices at *Westminster*, on the Morrow of *All-Soules*, then next following: At which

M

said

Superedeas to a Procedendo.

Procedendo upon an Accedas ad curiam.

saïd morrow, the aforesaid Sheriff had the Record aforesaid before our same justices at *Westminster*, and that Record as yet resides undetermined in the hands of our justices at *Westminster*: yet for certain causes our same Justices at *Westminster* especially moving, to them, it sufficiently appears that the aforesaid Plaint in our aforesaid court before you by our small Writ of Right; and not elsewhere ought to be brought back and determined: Therefore the Record and processe of that plaint we send you back, inclosed in the presents, commanding you, that having looked into that Record and processe, you cause to be done further in that behalf that which of Right and according to the Law and custome of our Realm of *England*, and of the Mannor aforesaid is to be done, witnesse, &c.

Procedendo in
Replevin.

Greeting. Whereas we lately commanded you by our writ, that in your full County, you cause to be recorded the plaint that was in the same county, without our Writ, between *R. N.* and *H. D.* of a debt of two and twenty shillings six pence, which the same *R.* requires of the aforesaid *H.* as it is said, and that you should have that Record before our justices at *Westminster*, (such a Return) under your Seal and the seals of four lawfull Knights of the same County who were present at that Record, and should prefixe to the parties the same day, that they be here to make further proceeding in that plaint, as should be just; and that you should have there the names of the aforesaid four Knights and that Writ: At which said day before the aforesaid Justices at *Westminster*, came as well the aforesaid *R.* as the aforesaid *H.* in their proper persons, and you your self returned, that in your full County you had caused to be recorded the plaint which was in the same county without our Writ, between *R. N.* and *H. D.* (and so reciting the return) yet because it seems to our justices aforesaid, that the Writ aforesaid is insufficient and unduely issued out of our Chancery; It is considered in our same Court, that the Record or plaint aforesaid be remitted back: Therefore we command you, that in the plaint aforesaid, in the court of your county you proceed, as in the same Court you ought to have proceeded in, if the plaint aforesaid from your Court and into our Court before our aforesaid Justices at *Westminster* had not been; witnesse, &c.

Olberwiste.

YEt because to our Justices at *Westminster* for certain causes them especially moving, and chiefly because the damages which the aforesaid *W.* in that plaint supposed himself to have sustained by occasion of the premises, amount not to forty shillings; in which case, it belongeth not to our Court to hold plea thereupon, we command you, that in the aforesaid Plaint in the Court of your County, you
pro.

proceed, as in our said Court you ought to have proceeded, if in the
 plaint from the Court of your County, and into our Court before
 our aforesaid Justices at *Westminster* had not been had, Witness,
 &c.



Pone.

DEVONSS. Command was given to the Sheriff, that he
 should put before the Justices of our Lord the King, here
 at this day, to wit from the day of *Saint Michael* in one
 Moneth, the plaint which was in his County by the writ of
 our Lord the King, between *John Harris* and *Robert Crosse*, in debt
 of seventeen pound, which the same J. did require of the aforesaid
R. &c. and that he should tell the aforesaid J. that he should then be
 here, to prosecute thereupon his plaint against the aforesaid *R.* And
 that he should then have that writ, and another Writ, &c. And now
 here at this day came as well the aforesaid *I.* by J. C. his Attorney,
 as the aforesaid *R.* by C. R. his Attorney, and the Sheriff to wit E. P.
 Esquire, now returns, that he by vertue of the Writ aforesaid to
 him directed, had put before the Justices here at this day, the aforesaid
 plaint which was in the County aforesaid, by the aforesaid writ
 of our Lord the King, between the parties aforesaid of the aforesaid
 plea, and that he told the aforesaid J. H. that he should be here at
 this day to prosecute his plaint aforesaid, if, &c. And that he then
 had here that writ and another writ. The Tenor of which said plaint
 followes in these words. *Devonss J. Harris, By a Writ of our Lord*
the King of Justices, complains of R. Crosse of a plea, that he render
him seventeen pound which he owes him and unjustly detains, &c.
Pledges of prosecuting John Doe, and Richard Roe. And upon this
 the aforesaid J. H. declaring against the aforesaid *R. C.* upon his a-
 foresaid Writ, said that the aforesaid *R.* did not render to the aforesaid
 J. H. the aforesaid seventeen pound which he owes him and un-
 justly detains, for that, that is to say, that whereas the aforesaid
R. (such a day and year) at *H.* by his certain writing obligatory,
 did grant himself to be bound to him the said J. H. in the aforesaid
 seventeen pound to be paid to him the said J. H. when he should be
 thereunto required, yet the aforesaid *R.* although often requested
 the aforesaid Seventeen pound to him the said J. he hath not as yet
 rendered it; but the same to him hitherto to render he hath denied,
 and as yet doth deny, wherenpon he saith that he is damnified, and
 hath Damage to the value of ten pound, and whereupon he brings his

The Entry of a
Pone after a
Justicios
Mich. 20. Ja-
cobi rotulo.
 1212.

suit, &c. And he brings here into court the writing aforesaid, which testifies the debt aforesaid in Form aforesaid, whole date is the day and year aforesaid, &c. and the aforesaid R. by his Attorney aforesaid comes and defends the Force and Injury when &c. and prayes hearing of the writing aforesaid; and it is read unto him: he prayes also hearing of the condition of the same writing; and it is read unto him in these words. The Condition, &c.



Scire Facias.

A Scire facias
upon the late
act for dis-
charge of poore
Prisoners.

G Resting. Whereas F. C. was committed to the prison of the Fleet, the seventeenth day of *N.* in the year of our Lord, 1649. by vertue of a writ of *Habeas corpus cum causa*, To the Steward of the Master, Brethren and sisters of the hospitall of Saint Katherine the Virgin, and Martyr, neer the Tower of London of the court there, and by the Return thereof was charged with a certain plaint in the court there held before him the aforesaid Steward against him the said F. at the suit of *N. D.* of a plea of debt upon demand of a hundred pound, and by vertue of another certain plaint in the court aforesaid against the said F. otherwise called F. &c. at the suit of *A. N.* of a plea of Debt upon demand of ten pound, and whereas the aforesaid F. with the aforesaid causes of his imprisonment, that is to say, the fifth day of November last past, by H. H. Esquire, Warden of the prison aforesaid, was brought before J. W. one of the Aldermen and Justices of the peace, within the city of London, by vertue of a precept in the nature of a *Habeas corpus cum causa*, under his hand and seal to the same Warden directed, according to the Tenor of a certain act intituled; An Act discharging from imprisonment poore prisoners, unable to satisfie their Creditors, late made and published, and the said F. then and there before the Forementioned J. W. did take his corporall oath, that he at that time was not worth in possession, Reversion, or Remainder, of any Estate reall or personall to the value of five pounds, besides necessary wearing apparrell, and bedding for himself, Wife and children, and tools necessary for his trade or occupation, exceeding the value of five pounds and hath not directly or indirectly conveyed or intrusted his Estate thereby to expect any profit, benefit or advantage; as by certifi-

certificate of the aforesaid J: W: in Writing under his hand and seal bearing Date the 14. Day of N, last past, made and directed to the Justices of the common Bench at *Westminster*, and there remaining; amongst other things more fully appears: And because we will have those things in the Act aforesaid contained to be duly observed, and because the aforesaid F. was never in Arms against the Parliament of the common-wealth of *England* nor adhered to the Forces raised against them, as by the information of the said F. is given us to understand, according to the tenor of the Act aforesaid; We command you, that you omit not for any Liberty of your city, but by Fourteen Dayes at the least before; from the Day of *Saint Michael* in three weeks next coming, you give notice to the aforesaid N. and A. if they be found in your Bayliwick, that they be before the Justices of the common Bench from the aforesaid day of *Saint Michael* in three weeks, to shew if they have, or know any thing to say, wherefore the aforesaid F. ought not to be enlarged out of Prison, according to the Act aforesaid: And if they be not found in your Bayliwick, then you shall leave a writing or writings under your hands and seales by 14. dayes at the least before the said day of *St. Michael* in three weeks, at the place or places of habitation of the said N. and A. in the same writing or writings reciting this Writ, and by it requiring them the said N. and A. to appeare in the said Court of Common Bench at the day and place aforesaid, to shew cause according to the purport of this Writ: And have you there the names of those by whom you shall give them notice: And this VVrit, VVitnesse, &c.

Greeting Whereas by our Writ we lately commanded the Sheriff *Goffv.* that he should not omit for any liberty of his County, but that he should take C. L. of, &c. outlawed in *London* (such a day and yeare) at the suit of P. R. of a Plea of Debt, if he should be found in his Bayliwick, and him safely keep, so that hee might have his body before the Justices of the common Bench at *Westminster* (such a Return) to doe and receive what our Court shall consider of in that behalfe: But because by a certain Act of this present *PARLIAMENT* of *England*, the said Outlawry against the said C. in form aforesaid promulged and had; is pardoned to the said C. so as the said C. do sue in our said Court a Writ of *Scire Facias*, to forewarn the said P. of the said Plea, if the said P. will speak against him. And because it is expedient and necessary that the said P. for his Interest in that behalfe be forewarned before any further proceedings be made for the discharge of the said C. or the said Outlawry: Therefore we command you, that by honest and lawfull men of your Bayliwick you make known unto the said P. that he be before the Justices of the Common Bench at *Westminster* (such a Return) to prosecute

Scire Facias upon a pardon of outlawry.

secute if he will against the said C. his Plea aforesaid : And have you there the names of those by whom you shall give him notice ; And this Writ, *testes*, &c.

Scire facias
upon a pardon
of Outlawry.

Greeting. Whereas we lately commanded you by our Writ, that you should take T. H. lately of, &c. otherwise called T. H. &c. outlawed in your County the 12. day of June, in the 7. yeare of our Reign, at the suit of F. VV. of a Plea of Debt, if he were found in your Bayliwick, and him safely keep, so that you might have his body before our Justices at Westminster, in eight days of St. Michael to do and receive what our Court shall consider of him in that behalfe : And now here at this day came the aforesaid Thomas by Francis Barker his Attorney, and says, that after the Outlawry aforesaid on him the said Thomas in form aforesaid promulged and had in the Statute in our Parliament held at Westminster in the County of Middlesex, the 9. day of February, in the 7. year of our Reign aforesaid, amongst other things it was Enacted and established by authority of the same Parliament, that all and singular our Subjects, as wel Spiritual as Temporall of this Kingdom of England, Wales, Isles of Iernsey and Garnsey, the Town of Berwicke, the Heirs, Successors, Executors, and Administrators, and every of them, and all and singular bodies in any manner Corporate, Cities, Townes, Counties, Ridings, Hundreds, Lathes, Rapes, Wapentakes, Villages, Hamlets, and Tishings, and every of them, and the Successor and Successors of them, and every of them by authority of the same Parliament, should be acquitted, pardoned, released, and discharged, against us, our Heirs and Successors, and every of them, of all Treasons, Felonies, Offences, Contempts, Trespasses, Injuries, Deceits, Misbehaviours, Forfeitures, Penalties, Sums of money, paines of death, corporall paines, and pecuniary paines, and generally of all other things, Causes, Complaints, Suits, Judgements, and Executions, in the aforesaid Statute not excepted, nor foreprized, which by us in any manner, or by any meanes might be pardoned before, and untill the 19. day of November then last past, before the publishing of the aforesaid Act to every, or to any of our Subjects, bodies Corporate, Burroughs, Counties, Ridings, Hundreds, Lathes, Rapes, Wapentakes, Townes, Villages, Hamlets, Tishings, or any of them ; yet so as every person outlawed should prosecute his Writ of Scire Facias against the partie or parties, at whose Suite he or they were outlawed before that pardon in that case should be allowed to the party outlawed, as in the same Statute more fully is contained. And further, he the said T. saith, that the Outlawry aforesaid against him the said T. in form aforesaid promulged and had, was not excepted on foreprized in the aforesaid Statute ; and that he then and at the time of the publishing of the aforesaid Act was a liege Subject of ours, and under our obedience ; that is to say at F. in the aforesaid

foresaid County of *Dorset*. And this pretending to verifie, whereby it is not intended, that we by occasion of that Outlawry will implead, or trouble him the said *T.* Whereupon he prayed Judgment, and that he of that Outlawry may be discharged: And because it is convenient and necessary that the aforesaid *F.* for his interest in that behalfe should be warned before we further proceed to the discharging of the aforesaid *T.* of the Outlawry aforesaid, according to the forme of our aforesaid Statute, we command you that by honest and lawfull men of your Bayliwick, you cause to be made known to the aforesaid *F.* that he be before our Justices at *VWestminster*, from the day of Saint *Michael* in one moneth to follow his aforesaid Plaint against the aforesaid *T.* if it shall seem meet unto him: And that you have there then the names of those by whom you make it known unto him, and this Writ, witnesse *E. Cooke* at *VWestminster*, the ninth day of *October*, &c. *Barker, Brownlow.*



Returmo Habendo.

Greeting. Whereas *T. S.* was summoned in our Court before &c to answer *T. E.* of a Plea, wherefore he (such a day and yeare) at *O.* in a certaine place called *A.* tooke the Cattell viz. two steers of him the said *T. E.* and them unjustly detained against Sureties and Pledges, the same *T.* in our same Court appearing, by certaine reasons alleadged by him the said *T.* in our same Court, as the Bailiff of *R. P.* well acknowledgeth the taking of the Cattell aforesaid, in fifty acres of Pasture called the *W.* in the aforesaid place called *A.* to be just for damages there done: Upon which the aforesaid *T.* bring solemnly required, came not, nor prosecuted his aforesaid Writ. Therefore it was considered in our aforesaid Court, that the aforesaid *A.* and his Pledges of prosecuting should be in mercy, and that the aforesaid *T.* should goe thereupon without day, and that he should have returne of the Cattell aforesaid. And therefore we command you that you cause to be returned the Cattell aforesaid to the aforesaid *T.* without delay, & shew at the complaint of the aforesaid Plaintiff you doe not deliver without our Writ, which should make expresse mention of the aforesaid Judgement, and in what manner you shall execute this our precept, you shall make manifest to our Justices at *VWestminster* such a returne. We command you also, that by the Oath of honest and lawfull men of your County, you diligently enquire what damage the same *T.* hath sustained, as well by occasion of the premises: as for his charges and costs, by him about his suite in that behalfe laid out; And the Inquisition which

Returmo Habendo, with a writ of inquiry of damages.

which you shall thereupon make, you shall make manifest to our Justices at the aforesaid Term, under your Seale, and the Seales of them by whose Oath you make that Inquisition: And that you have there the names of them by whose Oath you make that Inquisition, and this Writ, witnesse, &c.

The like in another Mannor.

Greeting. Whereas E. P. Gentleman, and M. P. were summoned of being, &c. to answer R. S. of a Plea wherefore they (such a day and yeare) at VV. in a certain place called R. took the Cattell, &c. against Sureties and Pledges, the same G. and M. in our same Court appearing as to the taking the Mare aforesaid, said, that they took not the same Mare; And upon this they put themselves upon the Country. And as to the taking of the Horse-colt, they said, that the aforesaid time wherein it is supposed the taking of the aforesaid Mare-colt to be made, they took the Mare-colt aforesaid, in a certain place called L. in VV. aforesaid, without that, that they took the Mare-colt aforesaid, in the aforesaid place called R. And for the Return of the Mare-colt aforesaid to be made, he the said E. in his proper Right well avowes, and the aforesaid M. as Bailiff of him the said E. well acknowledges the taking of the Mare-colt aforesaid, in the aforesaid place called L. to be just, for Damages there done; upon which the aforesaid A. being solemnly required, came not, nor prosecutes his writ aforesaid; Therefore it was considered in our said Court, that the aforesaid R. and his Pledges of prosecuting, should be thereupon in mercy; and that the aforesaid G. and M. should go thereupon without day, and that they should have return of the Mare-colt aforesaid; And therefore we command you, that you cause to be returned the Mare-colt aforesaid, to the aforesaid G. and M. without delay, and the same at the complaint of the aforesaid R. you deliver not without our writ, which shall make expresse mention of the aforesaid Judgment, and in what manner, &c. We also command you that by the Oath, &c. you diligently inquire what Damages they the said G. and M. have sustained, as well by occasion of the Premisses, as for their costs, &c.

A writ of second deliverance.

No second deliverance shall issue after verdict, demurrer, or confession, for when they are irrepleviable.

IF. A. B. shall make you secure of prosecuting his Complaint, and also of returning of the Cattell, which to C. D. in our Court before, &c. were adjudged by the default of him the said A. if the Return thereupon should be adjudged, then those Cattell to him the said I. without delay you should cause to be delivered, and put by Sureties and safe Pledges the aforesaid C. that he be before &c. (such a Return) to answer the aforesaid A. of the taking of the Cattell aforesaid: And that you have there the names of the Pledges, and this writ, witnesse, &c.

Greeting

Greeting. Because T. D. in our Court before, &c. hath made us secure of prosecuting his complaint, and also of returning of a certain Horse, which to W. S. in our said Court was adjudged by the default of him the said, if the Return thereupon should be adjudged by A. B. and C. B. We command you, that to him the said T. that Horse without delay you cause to be delivered, and put by Sureties and safe Pledges, the aforesaid VV. that he be before, &c. (such a Return) to answer the aforesaid T. of the taking of the Horse aforesaid: And whereupon you your selfe returned to our Justices at *Westminster* (such a Return) that the aforesaid T. had not found to you Pledges of prosecuting: And that you have there the names of the Pledges, and this writ, *witnesse, &c.*

Greeting. Because T. D. in our Court before, &c. hath made us secure of prosecuting his complaint, and also of returning of his Cattell which, &c. if the return thereof should be adjudged by A. R. and E. N. Therefore we command you, that, &c. (as in the next before) that he be before, &c. to answer the aforesaid Plaintiff, of the taking of the Cattell aforesaid, and that you have there the names of the Pledges, and this writ, *witnesse, &c.*

A *Non-suit* against the Plaintiff, and a *Retorno habendo*, and a Writ of Enquiry of Damages, and second deliverance, and Inquisition returned, and Judgment: And also at the aforesaid fifteendaies of the holy Trinity, came the aforesaid Plaintiff, by his Attorney aforesaid, and offered himselfe the fourth day, against the aforesaid Defendant, of the aforesaid Pleas and he came not: And the Sheriff now returnes, that he by vertue of the aforesaid writ of second deliverance, the Cattell aforesaid, to the aforesaid Plaintiff, according to the Exigency of that writ, hath re-delivered; And that the aforesaid Defendant is attached by J. D. and R. R. therefore he is in mercy: And the aforesaid J. B. is to be distrained, that he be here from the day of Saint *Michael*, in three weeks; At which day here came the aforesaid E. by his Attorney aforesaid, and offered himselfe the fourth day, against the aforesaid Defendant, of the aforesaid Plea, and he came not; And the Sheriff now returnes, that he hath nothing, &c. Therefore he is to be taken, that he be here (such a Return) At which day here came, &c. and offered himselfe the fourth day, against the aforesaid Defendant, of the aforesaid Plea, and he came not; And the Sheriff now returnes, that he is not found, &c. Therefore as before, he is to be taken, that he be here (such a Return, &c.)

The like where the Plaintiff found pledges of prosecuting in Court after the Sheriff had returned he had found none.

Note after a second Deliverance, the plaintiff discontinued his action, and moved the court to have another second deliverance, but could not have it by the whole court, Mich. 37. and 38. Eliz.

The like where he found pledges.

Pasch. 7. Eliz. Rot. 838.

N

Greeting.

A writ for the delivery of cattell taken in VViltiernam, irreplevable after the plaintiff hath satisfied the defendant of his damages by the sheriff to be inquired of.

GR^{eeting}. It is shewed us on the behalfe of *W. P.* that whereas *E. W.* Gentleman, in our Court before, &c. was attached by our writ of second deliverance, to answer *VV. P.* of a Plea wherefore he took the Cattell, that is to say, five Bullocks of his the said *VV.* and them unjustly detained against Sureties and Pledges: And the same *E.* came into our Court, and said, that he took the Cattell aforesaid, in his Damage, that is to say, in forty acres of Land, of him the said *E.* with the Appurtenances in *R.* in your County feeding; (Upon which the aforesaid *VV.* was solemnly called in the same Court, to prosecute his writ aforesaid, against him the said *E.* upon the Plea aforesaid, and he came not) By which it was considered in our said Court, that the aforesaid *E.* should have return of the Cattell aforesaid, to hold to him irreplevable: And although the aforesaid *VV.* hath often offered reasonable and sufficient amends to the aforesaid *E.* for the Damage and Trespasse aforesaid, yet the aforesaid *E.* detaines these Cattell impounded, against the Law and Custome of our Realm of *England*, to the no small Damage and grievance of him the said *W.* And because we will not, that the same *W.* be injured in that behalfe, we command you, that in the presence of them the said *E.* and *VV.* warned thereunto if they will be present, by the Oath of honest and lawfull men of that Visenage, suspected by neither party, you dilligently inquire what Damage the aforesaid *E.* had and sustained, by reason of the Trespasse aforesaid: And so soon as the aforesaid *VV.* shall have satisfied the aforesaid *E.* of those Damages, according to the taxation of the same Jurors, the Cattell aforesaid to him the said *VV.* without delay you cause to be delivered: And in what manner you shall execute this our Precepr, you shall make appeare before, &c.

A writ of gage deliverance, where the defendant sayes that paycell of the cattell died by famine in default of the plaintiff.

GR^{eeting}. Whereas *J. S.* was summoned in our Court before, &c. to answer *T. VV.* of a Plea wherefore he took the Cattell, that is to say, six Oxen and two Steers, of his the said Plaintiffs, and them detained against Sureties and Pledges; the same Defendant in our said Court appearing, by a certain reason in his acknowledgment specified, as the Bailiff of *E. Earle of D.* acknowledgeth the taking of the Cattell aforesaid, to be just, claiming no property of them; and the aforesaid Plaintiff in our said Court affirming that the aforesaid Defendant as yet detaines the Cattell aforesaid, from him the said Plaintiff, praying that the same Defendant may ensure to him the said Plaintiff the delivery of those Cattell; and the same Defendant as to one Oxe of the aforesaid six Oxen, and of the aforesaid Steers, well granterh to ensure unto him thereupon the Delivery and Fines, Pledges of that Delivery to be made, about the Feast of *N.* next to come: And as to five Oxen of the Cattell aforesaid residue, said, that

that he the same five Oxen for the cause aforesaid put in the open Pound, and that these Oxen in the same Pound, afterwards in default of the aforesaid Plaintiff, died with hunger; And therefore we command you, that having taken security of the aforesaid Plaintiff, of prosecuting his complaint, and also of returning the Cattell, if the return thereupon be adjudged, you cause to be delivered to him the said Plaintiff the aforesaid one Oxe and two Steers now living, as also five Oxen residue of the aforesaid Cattell, if it can appeare to you, that the same Oxen are not dead, and in what manner, &c.

Greeting. It is shewed unto us on the behalfe of *J. S.* whereas *R. C.* and *W. C.* were attached by our writ of second deliverance, of being in our Court before, &c. to answer to the same *J. S.* of a Plea wherefore they the said *R.* and *W.* (such a day and year) at *B.* in a certain place called *G.* took the Cattell, that is to say, &c. and them unjustly detained against Sureties and Pledges, as it is said, that the said *R.* and *W.* in our same Court appearing, said, that they took the Cattell aforesaid at *B.* aforesaid, in a certain place called *M.* parcell of one Messuage in *S.* without that, that they took the Cattell aforesaid, at *B.* aforesaid, in a certain place called *G.* and for return of the Cattell aforesaid to be had, he the said *W. C.* avowes, and the aforesaid *R.* as Bailiff of him the said *W.* acknowledgeth the taking of the Cattell aforesaid, in the aforesaid place called *M.* to be just, for Damages there done; upon which the aforesaid *J.* being then solemnly called; came not, nor hath prosecuted his writ aforesaid, for which it was considered in our said Court, that the same *J.* and his Pledges of prosecuting should be in mercy, and that the aforesaid *R.* and *VV.* should go without day, and that they have return of the Cattell aforesaid, to hold to them irrepreivable for ever: And also that the aforesaid *R.* and *VV.* their Damages by reason of the Premises against the aforesaid *J.* according to the form of the Statute thereupon published and provided, ought to recover: And you lately returned to our Justices at *Westminster*, by vertue of our writ to you thereupon directed, a certain Inquisition taken before you, by which it remaines found, that the aforesaid *R.* and *VV.* sustained Damages, by occasion of the Premises beyond their charges and costs by them about their Suit in that behalfe laid out, unto twenty shillings, and for their charges and costs unto forty shillings, by which it was considered by our same Court, that the aforesaid *R.* and *VV.* should recover against the aforesaid *J.* their Damages aforesaid, unto sixty shillings, by the Inquisition aforesaid found, as also foure and forty shillings to them the said *R.* and *VV.* at their request, for their charges and cost aforesaid, by the same Court adjudged of increase; which said Damages in the whole amount unto five pounds and four shillings: And although the aforesaid *R.* and *VV.* afterwards, in

A writ to redeliver cattell taken in Withernam, for that the defendant acknowledges himselfe satisfied of the damages.

our same Court before, &c. acknowledged themselves to be satisfied of the damages aforesaid, as it appears in our Court upon Record, yet they the aforesaid R. and W. the Cattell aforesaid they doe detain, impounded against the Law and custome of our Realm of England, to the no small damage and grievance of him the said I. And because we will not that the same I. be injured in this behalfe, Wee command you that the Cattell aforesaid to him the said I. without delay you cause to be delivered: And in what manner, &c.

A returno Habendo irreplevable with damages for an annuity after a verdict.

Greeting: Whereas J. S. was summoned of being, &c. to answer GVV. G. of a plea, wherefore he (such a day and year) at N. &c. And them unjustly detained against Sureties and Pledges; and whereas the aforesaid J. in our same Court by alleadging the aforesaid place to contain, & the aforesaid time wherein the taking of the cattell aforesaid was supposed to be done, to have contained one Messuage and two Acres of Land, with the appurtenances in N. aforesaid, hath avowed the taking of the Cattell aforesaid in the aforesaid place called N. to be just, as in the Lands and Tenements liable to distresse of him the said J. for 9 l. of a certaine annuity of 3 l. for three years, ended at the Feast of St. Michael next before the aforesaid time of the Cattell aforesaid, supposed to be done to him the Defendant the same time, being in arrear out of the same Tenements, with the Appurtenances for terme of his life issuing. In such manner in our Court it is proceeded in, that the aforesaid J. have return of the Cattell irreplevable for ever: And that the same J. his damages by reason, &c.

The like with some difference.

AND them unjustly detained against Sureties and Pledges, &c. the same E. in our same Court appearing, by a certaine reason in the same Court alleadged in his owne right, avowes the taking of the Cattell aforesaid in the aforesaid place, for damages there done, to be just. In such manner in our Court it is proceeded in, that the aforesaid N. should take nothing by his Writ aforesaid, but should be in mercy for his false claime thereupon: And that the aforesaid E. should goe without day, &c. And that he should have return of the Cattell aforesaid to be held to him irreplevable for ever: And therefore we command you that the Cattell aforesaid to the aforesaid E. without delay you cause to be returned, to be held to him irreplevable for ever; and in what manner, &c. We command you also, that of the Land, &c. which to him the said E. in our same Court, &c. which he had by occasion of the premises, according to the forme of the Statute in that Case published and provided, whereof he is convicted. And that you have, &c.

Command

Command was given to the Sheriff: VWhereas *I. H.* was summoned of being in the Court of the King here, to answer *L. VV.* of a Plea, wherefore he took the Cattell of him the said *L. VV.* and them unjustly detained against Sureties and Pledges, &c. the same *L. VV.* afterwards in the same Court here made default, for which it was considered in the same Court here, that the aforesaid *L. VV.* and his pledges of prosecuting should be thereupon in mercy, and that the aforesaid *I. H.* should go without day thereupon, and that he should have return of the Cattell aforesaid, and that he should cause to be returned without delay the Cattell aforesaid, to the aforesaid *J. H.* and the same at the complaint of the aforesaid *L. VV.* hee should not deliver without the Writ of our Lord the King, that should make expresse mention of the aforesaid judgement; And in what manner, &c. the same Sheriff should make manifest here at this day, to wit, in eight dayes of *St. Hillary*, &c. And now here at this day came the aforesaid *I. H.* by *D. R.* his Attorney, and the Sheriff, to wit, *R. M.* now returns, that the Writ aforesaid was delivered unto him so late, that for the shortnesse of the time he could not thereupon make Execution. Therefore, as formerly command was given to the Sheriffe, that the Cattell aforesaid to the aforesaid *I. H.* without delay he should cause to be returned, and the same at the complaint of the aforesaid *L. W.* hee should not deliver without the Writ of our said Lord the King, that should make expresse mention of the aforesaid judgement; and in what manner, &c. the Sheriff should make to appeare here (such a Return) &c.

The entry of an Alias, Returno habendo, where the Sheriff returns a Tade Trin. & H. 8. tor. 433.

Command was given to the Sheriffe, if *T. H.* had made him the said Sheriff secure of prosecuting his claim, and also of returning of the Cattell which were adjudged to *H. S.* in the Court of the King here, by the default of him the said *T. H.* or of the price of them, if the return thereupon should be adjudged, then to him the said *T.* his Cattell aforesaid without delay he should cause to be delivered, and that he should put by Sureties and safe Pledges the aforesaid *H. S.* that he be here at this day, to wit, in 8. dayes of *St. Hillary*, to answer the aforesaid *T. H.* of the taking of the Cattell aforesaid. And now here at this day came the aforesaid *H. S.* by *C.* his Attorney, and offered himselfe the fourth day against the aforesaid *T.* of the aforesaid Plea: And he being solemnly called, came not, and was Plaintiff, &c. And the Sheriff now returns that the same *T.* had found pledges of prosecuting, and of having return of the Cattell aforesaid, if &c. that is to say, *J. D.* and *R. R.* and that the aforesaid *H.* is attached by *J. H.* and *W. M.* Therefore it is considered that the aforesaid *T.* and his

The Entry of a Returno Habendo irrepleviable upon a second deliverance. Hill. 22. Hen. 8. tor. 339.

his pledges of prosecuting be thereupon in mercy, and that the aforesaid H. goe without day, &c. And that he have return of the Cattell aforesaid to be held to him irrepleviabie for ever. Seek the names of the Pledges, &c. And in what manner, &c. the Sheriff should make appeare here from the day of *Easter* in fifteen dayes, &c.

Returno Habendo sicut Plures.

WHereas G. W. was summoned of being, &c. to answer T. B. of a Plea, wherefore he tooke two Horses and his Chattells, that is to say, one Cart, and eight horse-collars of him the said *Plaintiff*, and them unjustly detained against Sureties and Pledges; and the same *Defendant* in our same Court appearing, as the Bayliff of W. H. justly acknowledgeth the taking of the Cattell and Chattells aforesaid at VV. in a certaine place called R. of him the said W. held, taken for customes and services to him the said VV. due, by which it was considered in our said Court, that the aforesaid *Defendant* should goe without day, and that the aforesaid *Plaintiff* should take nothing by his VVrit aforesaid, but should be in mercy for his false claime, and that the same *Defendant* in the name and steed of the aforesaid *Plaintiff* should have returns of the Cattell and Chattells aforesaid irrepleviabie for ever. By which as formerly we commanded you that the Cattell and chattells aforesaid to the aforesaid *Defendant*, without delay you cause to be returned in form aforesaid, or signifie the cause to our Justices at *VWestminster*, wherefore you would not, or could not do it; yet you despising our aforesaid commands, the cattell and chattells aforesaid to the aforesaid *Defendant* in form aforesaid, to be returned, or at least, wherefore you would not, or could not do it, to the same Justices to signifie hitherto you have not cared for, in the manifest contempt of us and our commandements aforesaid, at which we very much wonder, and are moved. We command you, as often times we have commanded you, that the cattell and chattells aforesaid to the aforesaid *Defendant* without delay you cause to be returned in forme aforesaid according to the tenour of our aforesaid commands, or you your selfe to be in your proper person before, &c. (such a Return) to shew why you have contemned to execute our commands so often to you thereupon directed: And that you have there then this VVrit. VVitnesse, &c.

A writ de proprietate probanda.

Greeting. Whereas by our writ, as often we have commanded you, that justly and without delay you cause to be replevied to R. C. his cattell which W. C. took and unjustly detaineth as it is said, or should signifie the cause to us, wherefore our command to you otherwise thereupon directed, you would not or could not execute, and you despising our commands aforesaid, as we understand to the aforesaid R. his cattell aforesaid to be replevied; or at least the cause wherefore

wherefore you would not, nor could not do it, hitherto you have not cared to signifie unto us, in the manifest contempt of us, and our aforesaid commands, and his the said R. no little Losse and greivance, at which we did very much wonder, and were moved. We then commanded you, firmly injoyning you, that to the aforesaid R. his cattell aforesaid you should cause to be replevied, according to the Tenor of our aforesaid commands, formerly to you thereupon directed, or you your self should be before our Justices at *Westminster*, (such a Return last past) to shew wherefore you had contemned to Execute our commands aforesaid, so often to you thereupon directed; and you returned to our Justices at *Westminster* at that day that no other writ besides that Writ of *Plures repleg.* ever came unto your hands; and that you went unto S. in your County, where the cattell aforesaid were, to replevie them to the aforesaid R. and the aforesaid *VV. C.* claimed the propriety of those cattell, by which you could not replevy those cattell to the aforesaid R. according to the purport of the writ aforesaid, as it was commanded you by that writ; we unwilling that the aforesaid R. should be defrauded of the cattell aforesaid, by such false claim, whereby the same to the aforesaid R. if they be his, they may the Lesse be replevied, according to the Law and custome of our Realm of *England*, we command you that taking with you the Keepers of the Pleas of our Crown, in the presence of the aforesaid R. and *VV* by you to be warned, if they will be present by the oath of honest and lawfull men of your County by whom the truth of the matter may the better be known, you diligently inquire whether the property of the cattell aforesaid so taken and detained, be the aforesaid R. or the aforesaid *VV. C.* And if by the inquisition aforesaid it shall appear unto you, that the property of the aforesaid Cattell be the aforesaid R. then the same to him the said R. you cause to be replevied, according to the Tenor of our commands to you thereupon formerly directed, and notwithstanding if the aforesaid R. should make you secure of prosecuting his Complaint, then you should attach the aforesaid *VV.* so that you might have him before, &c. (such a Return) to answer as well us of the contempt in that behalf made, as the aforesaid R. of the Damages and injuries to him brought on that behalf, and in what manner, &c. under your seal, and the seals, &c. and that you have, &c.

Greeting. Whereas W. B. otherwise in our Court, was summoned to answer R. H. of a plea, wherefore he took six Oxen of his the said R. and them unjustly detained, against sureties and pledges, and the same Plaintiff afterwards in our Court made Default, by which it was there considered, that the aforesaid Defendant should go without day, and that the aforesaid Plaintiff, and his pledges of prosecuting, should be in Mercy, and that the aforesaid W. should have return

Retorno habendo, Replevin upon the second deliverance after issue tried.

return of the cattell aforesaid, and afterwards, the same Defendant was attached by our writ, *De judicio*, according to the Form of the Statute in that case provided, of being before, &c. to answer the aforesaid Plaintiff of the taking the cattell aforesaid, and as well he, as the aforesaid Defendant, in our same Court appearing together, have pleaded and put themselves on both sides thereupon on a Jury of the Countrey which in our same Court was put between them in respite, untill (Such a day last past) by which Jury it was then found that the aforesaid Defendant took the cattell aforesaid in the Town of R. in a certain place called H. and not in a certain place called S. as the aforesaid Defendant in our Court before, &c. by pleading hath alleadged; by which it was then considered in our said Court, that the aforesaid Defendant should go without day, and that the aforesaid Plaintiff should take nothing by his Writ aforesaid, but should be in mercy for his false claim, and that the aforesaid Defendant should have return of the cattell aforesaid irrepleviable for ever: And therefore we command you, that to him the said W. the cattell aforesaid, without Delay you cause to be returned in Form aforesaid, and in what manner, &c.

Or thus.

AND the aforesaid Defendant afterwards was attached by our writ of second Deliverance of being in our same Court, to answer the aforesaid W. of the taking of the cattell aforesaid; and the same Defendant thereupon, in our same Court appearing, hath alleadged variance between the first Declaration of the aforesaid W. and the Declaration of the same W. upon the aforesaid Writ of second Deliverance made, upon which the aforesaid W. afterwards, in our same Court, being solemnly called, came not, nor prosecuteth his Writ aforesaid, for which it was considered, &c.

Retorno Habendo, and a writ of Inquire upon a Non prof. at the Assizes.

WHereas A. L. and W. C. were summoned of being, &c. to answer T. P. of a plea wherefore they (such a day and year) at D. in a certain place called L. took one Horse of his the said T: and him unjustly detained against sureties and Pledges, the same A. and W. in our same Court appearing by a certain reason by them in our said Court alleadged, as the Bailiffs of P. M. well acknowledge the taking of the Horse aforesaid, in the aforesaid place called L. to be just; in which said plea, as well the aforesaid Plaintiff, as the aforesaid Defendant, put themselves upon a Jury of the Countrey of your County, whereupon that Jury was put in respite before, &c. untill (such a Day) last past, unlesse the Justices of Assizes Assigned to be taken in your county by the Form of our Statute thereupon provided (such a day last past) at B. in your county, had first come: At which said Wednesday, before J. B. Knight, and R. L. Knight, then our Justices at Assizes in your county assigned to be betaken by the

the form of our Statute thereupon provided at *B.* aforesaid, the aforesaid *Plaintiff* in our said Court being solemnly called, came not, nor prosecuted his Writ aforesaid, as our same Justices at *Westminster* did record; For which it was considered in our same Court before &c. that the aforesaid *Plaintiff*, and his pledges of prosecuting should be thereupon in mercy, and that the aforesaid *Defendants* should goe without day, and have return of the Horse aforesaid; and that the aforesaid *Defendants* ought to recover their damages, by occasion of the premises against the aforesaid *Plaintiff*. And therefore we command you that the Horse aforesaid to the aforesaid *Defendants*, without delay you cause to be returned, and him at the complaint of the aforesaid *Plaintiff* you doe not re-deliver without our Writ, which shall make expresse mention of the aforesaid Judgement, and in what manner, &c. We command you also that by the Oath, &c.

Grecting. Whereas *I. B.* Esquire, and *P. H.* in our Court, &c. were summoned to answer *J. P.* of a Plea, wherefore they tooke five Cowes and two Heifers of his the said *I. P.* at *T.* in a certain place called *E.* and them unjustly detained against Sureties and Pledges. The same *I. B.* and *P. H.* in our same Court appearing, said, that the same time wherein the taking of the same cattell was supposed to be done, took as well the aforesaid five Cows and two Heyfers, as eight Oxen over and above the aforesaid five Cowes and two Heyfers in the aforesaid place called *E.* which said 8. Oxen, together with the aforesaid five Cows and two Heyfers you your selfe caused to be replevyed to the aforesaid *I. P.* at his complaint, as they say. To which the same *I. P.* then in our Court by replication, said, that the same eight Oxen were not by you replevyed to him the said *I. P.* And because it is not known whether the allegation of the aforesaid *I. B.* and *P.* or the aforesaid *I. P.* on this behalfe be true: It seemes to our Justices, that you by reason of your Office, and the propinquity to the thing done, may the better take notice thereupon. And therefore wee command you, that if it be so that it can appeare to you that the aforesaid eight Oxen in the said place taken had been by you replevyed to the aforesaid *I. P.* at his complaint: Then the same eight Oxen to the aforesaid *I. P.* and *B.* without delay you cause to be returned and delivered: And in what manner, &c.

LS. by *A. R.* his Attorney, offereth himselfe the fourth day against *R. T.* of a Plea, wherefore he tooke the cattell of him the said *L.* and them unjustly detained against Sureties and Pledges, &c. And he being solemnly called, came not, and hee was sought for. Therefore it is considered, that he and his pledges of prosecuting should be in mercy; and that the aforesaid *L.* should goe without day,

Returmo Habendo upon a Constatre poterit, where the Sberiffe causeth to be replevyed as well the Castell specified in the Declaration, as other cattell.

Returmo Habendo upon a non suit. Trin. 13. H. 8. rot. 724.

day, &c. And that he should have return of the Cattell aforesaid, &c. Seeke the names of the Pledges, &c. And upon this the aforesaid *L.* saith, that after he had taken the Cattell aforesaid, and before the Record of the Plaint aforesaid was here had, one *R. T.* Knight, lately Sheriff of the County aforesaid, at the complaint of the aforesaid *R. T.* directed a certaine Warrant to one *W. A.* at that time Bayliff of our Lord the King, and of the aforesaid Sheriffe of the Wapentage of *A.* in the County aforesaid, to make replevie to him the said *R. T.* the cattell aforesaid before the aforesaid Sheriff at his next County-court to be then held at *C.* in the County aforesaid to be returnable. At which said County on Monday (such a day) last past at *C.* aforesaid held, the aforesaid *W. A.* upon the Warrant aforesaid returned that the cattell aforesaid were removed asfarre off by the aforesaid *L.* to places unknown, so that those cattell to the aforesaid *R. T.* he could not cause to be replevyed. Vpon which the aforesaid Sheriff at the complaint of the aforesaid directed a certain other Warrant to the aforesaid *W. A.* to take in *VVithernam* of the cattell of the aforesaid *L.* to the value of the aforesaid cattell of him the aforesaid *R.* by him the aforesaid *L.* formerly taken; by vertue of which said Warrant, the aforesaid *W. A.* tooke eight Bullocks of his the said *L.* in *VVithernam*, and them to the aforesaid *R.* he did deliver, which said eight Bullocks as yet remain in the custodie and possession of him the said *R.* and he prayes the delivery thereof. Therefore command is given to the Sheriff, that if it doe appear unto him that the allegation of the aforesaid *L.* to be true, then the Cattell aforesaid to the aforesaid *L.* without delay he should cause to be delivered: And in what manner, &c. the same Sheriff should make appear here (such a Return, &c.) Before which said Return (to wit such a day and yeare) here came the aforesaid *R. T.* by *M. R.* his Attorney, and by the Statute, &c. prayes the Writ of our Lord the King of second deliverance of his Cattell aforesaid: And it is granted to him returnable here at the aforesaid Term, &c.

*The writ upon
the aforesaid
Entrie.*

C*reeting.* Whereas the Defendant was summoned of being, &c. to answer the Plaintiff, wherefore he took the Cattell of him the said Plaintiff and them unjustly detained against Sureties and Pledges: The same Plaintiff afterwards in our said Court made default, for which it was considered there, that he and his Pledges of prosecuting, should be in mercy: And that the aforesaid Defendants should go without day, and that they should have return of the Cattell aforesaid, by which we commanded you, that the Cattell aforesaid, to the aforesaid Defendants, without delay you should cause to be returned, and them at the complaint of the aforesaid Plaintiff, you should not deliver without our writ, which should make expresse

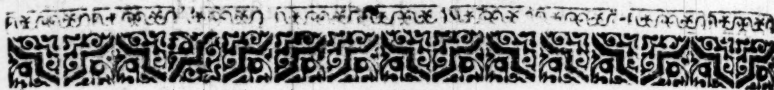
preſſe mention of the aforeſaid Judgment : And the aforeſaid Defendants in our ſaid Court, ſaid, that after they the Cattell aforeſaid had taken, and before the Record of the Plaint aforeſaid was had in our ſaid Court. you your ſelfe of the complaint of the aforeſaid Plaintiff, had directed a certain warrant to *I. W.* and *VV. L.* to cauſe to be replevied to him the ſaid Plaintiff, the Cattell aforeſaid, before you, at your next, from the County at *VV.* to be held returnable : At which ſaid County before you, on Munday, to wit (ſuch a day and yeare) at *VV.* aforeſaid, held the aforeſaid *I. W.* and *W. L.* upon the warrant aforeſaid, have returned that theſe Cattell were removed afar off, by the aforeſaid Defendants, to places unknown unto them, ſo that theſe Cattell to the aforeſaid Plaintiffs they could not cauſe to be replevied ; Upon which you your ſelfe, at the complaint of the aforeſaid Plaintiff, did direct a certain other Warrant to the aforeſaid *I. VV.* and *VV. L.* to take in *Withernam*, of the Cattell of the aforeſaid Defendants, to the value of the aforeſaid Cattell, of the aforeſaid Plaintiff, by them the ſaid Defendants taken : By vertue of which ſaid Warrant, the aforeſaid *I. VV.* and *VV. L.* took in *Withernam* ſixty Sheep, ſix Cowes, one Bull and foure Heifers, of the aforeſaid Defendants, and the ſame to the aforeſaid Plaintiff have delivered ; which ſaid ſixty Sheep, ſix Cowes, &c. in the cuſtody and poſſeſſion of him the ſaid plaintiff, as yet remain, praying thereupon the delivery : And therefore we command you, that if the Allegation of the aforeſaid Defendants may appeare unto you to be true, then the aforeſaid ſixty Sheep, ſix Cowes, one Bull, and foure Heifers, to them the ſaid Defendants, without delay you cauſe to be delivered : And in what manner you ſhall execute this our Precept, you ſhall make known unto our Juſtices at *Westmiſter*, (ſuch a Return) and that you have then there, &c.

WHereas *I. M.* was attached by our writ of ſecond deliverance, of being, &c. to answer *H. R.* of a Plea wherefore he (ſuch a day and yeare) at *L. &c.* againſt Sureties and Pledges, as it is ſaid, the ſame *I.* in our ſaid Court, appearing by certain reaſon by him in our ſaid Court alledged, ſaid, that he took the Cattell aforeſaid at *R.* in your County in a certain place there called *T. F.* without that, that he took the Cattell aforeſaid, at *L.* aforeſaid, in the aforeſaid place, &c. to be juſt : In ſuch manner, in our ſaid Court it is proceeded, in that the aforeſaid *H.* ſhall take nothing by his aforeſaid Writ, but ſhould be in mercy for his falſe claim thereupon, and that the aforeſaid ? ſhould go without day, and that he ſhould have return of the Cattell aforeſaid, to be held to him irrepleviable for ever : And therefore we command you, that the Cattell aforeſaid, to the aforeſaid ? without delay, you cauſe to be returned to be held to him irrepleviable for ever ; And in what manner, &c. you ſhall make known

Retorno Habendo irrepleviable after a ſecond deliverance.

Seisin.

unto our Justices at *Westminster*: We also command you, that you take the aforesaid *H.* if, &c. (as in other *Capias*) before, &c. at the aforesaid *Terni*, to satisfie the aforesaid *?* of six pounds and ten shillings, which to him the said *?* in our same *Court* were adjudged for his Damages which he had by occasion of the Premisses, according to the form of the Statute in that case published and provided, whereof he is convict, and that you have then there, &c.

*Seisin.*

Seisin upon a writ of entry in le post.

GREETING. Know you that *?* *M.* in our *Court* before our Justices at *Westminster*, hath recovered his seisin against *T. T.* of one Messuage, &c. with the Appurtenances in *W.* by our writ of Entry upon Disseisin in the Post; and therefore we command you, that to the aforesaid *?* full Seisin, of the Tenements aforesaid with the Appurtenances, without delay you cause to be had: And in what manner you shall execute this our Precept, you shall make known unto our Justices at *Westminster* (such a Return) and that you have, &c.

Seisin upon a writ of entry in the quibus, together with a writ of inquiry of damages.

Greeting. Know you, that *W. B.* in our *Court* before, &c. hath recovered his seisin against the Master of the Colledge of *?* and the Fellowes of the same Colledge, of the third part of one Messuage with the appurtenances in *G.* by the Writ of our Lord *Edward* the sixth, late King of *England*, our most dear Brother, of Entry upon Disseisin in the *Quibus*, and therefore we command you, that to the aforesaid *W.* of the third part aforesaid with the appurtenances, without Delay, you cause to be made full Seisin, and in what manner &c. (Such a Return &c.) We also command you, that by the Oath &c. you diligently inquire, what the third part aforesaid with the appurtenances, is worth by the year in all issues, according to the true value of it, and what time is elapsed from the time of the Disseisin: And further what Damage the aforesaid *W.* hath sustained, as well by occasion of that disseisin, as for his Charges and Costs by him about his Suit on that behalf layd out, and the Inquisition, which, &c.

Seisin in waste upon an inquisition by default.

Greeting. Whereas by a certain inquisition before you, at *E* in your County (such a Day and Year) it was found, that *M.* *E.* widow, made wast, Sale, and Destruction of Houses and woods, which she holds in Dowry of the Inheritance of *R. C.* that is to say, by

by permitting one mansion house with the appurtenances in the tenure of *R. W.* of the price of ten pound, one barn of the price of Forty shillings, and one beast house lately in the tenure of *R. F.* to stand and be uncovered, by which the great Timber of those houses by tempestuous rains descending upon them became putrid and corrupt, and that house by rain to be perished, by cutting also, and selling in the woods of him the said *R.* five Ashen trees, the price of every of them Eight shillings to the Disinheritance of him the said *R.* and against the the Form of the provision thereupon published, by which it was considered in our same Court, before *&c.* that the aforesaid *R. C.* should recover his Seisin against the aforesaid *M.* of the aforesaid places wasted by view of the Jurors of the aforesaid Inquisition: And therefore we command you, that to the aforesaid *R.* full seisin of the aforesaid places wasted, by view of the Jurors of that Inquisition, you cause to be made, and in what manner you shall Execute this our precept, you shall make known, *&c.* (such a return) And that you have, *&c.*

Greeting. Know you, that by a certain Inquisition before you at *G.D.* in your County (such a Day and Year last past) and before our justices at *Westminster* (such a Return last past) returned, it was found that *J. S.* of houses and woods in *D.* which *I. P.* demised unto him for term of his Life, made wast, Sale, and Destruction, that is to say, by permitting *&c.* (as in the Declaration) to the disinheritance of the aforesaid *I. P.* and against the Form of the provision thereupon published. The same *I. P.* by the consideration of our same Court before our aforesaid Justices, hath recovered his seisin against the aforesaid *J. S.* of the aforesaid Tenements wasted, if after verdict, by verdict, by view of the Jurors of a certain Jury of the Countrey of your County, by the view of the Jurors of the Inquisition aforesaid, and his damages by occasion of the aforesaid wast made in the same to the treble, according to the Form of the Statute thereupon published and provided, which in the whole amount unto thirty pound. And therefore we command you, that to the aforesaid *I. P.* full seisin of the aforesaid tenements wasted, by view of the Jury aforesaid, by view of the Jury of the Inquisition aforesaid, without Delay you cause to be had, and upon this the same *J. P.* afterwards came into our said Court, and by the Statute, *&c.* besides his Oxen and cattell of his Plow, and in like manner, *&c.* And therefore we command you, that *&c.* (as in the *VVrits* of *Elegit*)

In another manner with an Elegit for treble damages.

A returno Habendo irreplevable with damages for an annuity after a verdict.

Know

In another
Manner with a
Fieri facias.

K Now you, that by a certain inquisition, &c. (as above) and therefore we command you, that to the aforesaid J. P. full seisin of the aforesaid Tenements wasted, you cause to be had, and in what manner, &c. (such a Return) we command you also, that of the Lands and Chattells of the aforesaid Defendant in your Bailiwick, you cause to be made the aforesaid thirty pound, and that you have that money before, &c. at the aforesaid Term, to render the aforesaid Plaintiff for his treble Damages whereof he is convict, and that you have, &c.

Seisin in forme-
don for the De-
mandant a-
gainst the Te-
nant, and for
the Tenant a-
gainst the Vou-
chee after de-
fault of the
Vouchce.

Greeting. Know you, that whereas R. W. in our court, &c. De-
manded against I. C. Esquire, the moiety of one Messuage, and pa-
sture for commoning of (so many cattell) with the appurtenances
in F. by our Writ: *De forma donationis in le discendre*, the same J.
afterwards in our same Court appearing called thereupon to warranty
N. S. who warranteth unto him; and afterwards in our same court
made Default, after that he had appeared in that court, so that it was
considered in our same court, that the aforesaid R. should recover his
Seisin against the aforesaid J. of the moiety & pasture, &c. in a compe-
tent place to be had and assignment made, and that the same J. should
have of the Land of the aforesaid N. to the value of the same moiety,
and pasture, &c. and therefore we command you that to the aforesaid
R. full Seisin of the said moiety and pasture, &c. with the appurte-
nances, and to the aforesaid J. of the Land of the aforesaid N. to the
value of the same Moiety and pasture, in a competent place, you
cause to be had and assigned, and in what manner, &c.

Seisin in dower,
and a Fieri fa-
cias for da-
mages against
the Guardian
of the Land
and Heir.

Greeting. Know you that W. A. and J. his wife, which was the wife
of T. R. in our Court before, &c. by consideration of the same
Court, have recovered their Seisin against G. D. Guardian of the Land,
and Heir of the aforesaid T. of fifty acres of Land, with the Appur-
tenances in N. as also of the third part of the third part of a hundred
acres of Land, with the Appurtenances in S. as the Dowry of her the
said J. of the Endowment of the aforesaid T. in times past her Husband,
by our writ of Dower, whereof she hath nothing; And therefore we
command you, that to the same W. and J. full Seisin of the third parts
of the Tenements aforesaid with the Appurtenances, to be held in sever-
alty, by metes and bounds, without delay you cause to be had; and in
what manner, &c. you shall make appear, &c. such a Return: We
command you also, that of the Lands and Chattells of the aforesaid G.
in your Bayliwick you cause to be made forty shillings, for the value
of the third parts aforesaid, after the death of the aforesaid T. as also
twenty shillings which to the same W. and J. in our same Court were
adjudged for their damages which they had by occasion of the detention
of

of that dowry, and that you have that money before &c. at the aforesaid term to render the aforesaid W. and J. for the value of, &c. and the damages aforesaid, whereof he is convict, &c.

Groeting. Know you that it is considered in our Court before, &c. that S. D. Esquire and A. his Wife Cofin and Heir of J. W. and A. his wife of the Bodies of them the said I. and A. issuing, have Execution against T. H. and J. his Wife, and P. C. son of H. C. who joyned himself in help to them the said T. and J. against them the said S. and A. of Forty acres of Land, and two acres of meadow with the appurtenances in C. parcell of the mannor of C. by vertue of a certain fine thereupon levied in the Court of the Lord Edward late King, &c. before R. H. and his companions, then Justices of our said Lord the King of his Bench, and afterwards in eight dayes of Saint Michael, in the year aforesaid granted and had recorded before them then Justices and other faithfull persons then there present of him the said late Lord the King, between J. W. and A. his wife Complainers, and G. W. Clark, desorcent of the aforesaid forty acres of land two acres of meadow with the appurtenances, and of other Lands and tenements in the same fine contained by Default of them the said Defendants, as by a certain Jury of the Country between the aforesaid Plaintiffs and the aforesaid Defendants, is found taken: And therefore we command you, that to them the said Plaintiffs of the same forty acres of Land and two acres of meadow with the appurtenances without delay you cause to be had full Execution and seisin, and in what manner, &c.

Seisa upon a Scire facias upon a Fine against the Tenant, and a prayer in aid.

J. C. by W. R. his Attorney offereth himself the fourth day against J. W. H. and W. P. of three acres of Land and three acres of meadow with the appurtenances, and against A. B. of a plea, of ten acres of Land with the appurtenances in W. which the aforesaid J. in the court of the King here claims as his right by the Writ of our Lord the King of the Form of gift in Discendre severally against them, and they came not, and otherwise made Default here, to wit (such a return last past) after they were summoned, &c. (And if there be an Essoin then thus) after the same W. had caused himself to be essoined of his undue coming against the aforesaid I. of the aforesaid plea after he was summoned &c. by which it was then commanded to the Sheriff, that he should take the tenements aforesaid with the appurtenances into the hands of our Lord the King, and Day, &c. (and if it be after an Alias or Plures Grand Cape then thus) after he was summoned, &c. So that by processe or the Court of our Lord the King here had as before, or as many times command was given to the Sheriff that he take the Tenements aforesaid with the Appurtenances into the hands of our Lord the King and Day &c. and that he should

The entry of seisin by default after the grand Cape upon several precepts.

Otherwise after Essoyne.

Otherwise after an Alias or Plures Grand Cape.

summon

summon by good Summons the aforesaid *W. W.* and *A.* that they be here at this day to wit (such a Return) then next following to answer the aforesaid *I. C.* as well of the principall plea as of the Default aforesaid &c. And the Sheriff now returns full return of the Writ aforesaid to *I. W.* Bailiff of the Liberty of his hundred of *G.* to whom &c. For that, &c. which testifies the day of the taking, &c. And that he summoned, &c. (And if it be after adjournment then thus) as of the Default aforesaid &c. before which day the plaint aforesaid between them was adjourned by the Writ of our Lord the King of common adjournment here untill this day, to wit (such a Return then next following. And now here at this day came the aforesaid *I. C.* by his Attorney aforesaid, and the Sheriff now returns full return &c. as above) Therefore it is considered that the aforesaid *I. C.* shall recover his *Seisin* against the aforesaid *W. W.* and *A.* of the tenements aforesaid with the appurtenances against them severally demanded by Default, &c. and they the said *W. W.* and *A.* in mercy, &c. Or thus, Therefore it is considered that the aforesaid *I. C.* should recover his *Seisin* against the aforesaid *W. W.* of the tenements aforesaid with the Appurtenances above against them demanded, and against the aforesaid *A.* of the tenements aforesaid with the appurtenances against him demanded, by default, &c. and the same *W.* and *A.* in mercy, &c.

Entry of Seisin
by default af-
ter the Parvum
cape.

AND he came not, and otherwise made default, here to wit (Such a Return last past after he had appeared here in Court, so that it was commanded to the Sheriff that he should take the tenements aforesaid, with the appurtenances into the hands of our Lord the King &c. And that he summon by good Summoners the aforesaid *J.* that he be here at this day, to wit such a Return then next following, to hear thereupon his judgment; and the Sheriff now returns that he took, &c. and that he summoned &c. Therefore it is considered, that the aforesaid *A.* should recover his seisin, &c.

Seisin upon se-
verall precepts.

GREETING. Know you that *J. P.* and *J.* his wife in our Court before &c. by the consideration of the same Court have recovered their Seisin against *H. B.* and *M. C.* of twenty acres of Land with the appurtenances in *W.* and against *C. D.* of six acres of Land with the appurtenances in *M.* by our Writ &c. by the default of them the said *H. M.* and *C.* And therefore we command you, that to them the said *J.* and *J.* full *Seisin* of the Tenements aforesaid with the appurtenances severally against the aforesaid *H. M.* and *C.* demanded, without delay you cause to be had, and in what manner, &c.

Greeting.

Resting. Know you, that *T. P.* and *I.* his Wife our Court before, &c. have recovered their *Seisin* against *A. G.* and *W. B.* of the moiety of one Messuage and twenty acres of Land with the appurtenances in *C.* which together with one other, with the other moiety of their Messuage and Land, they the said *T.* and *J.* together with *R. H.* and *I.* his wife in our same Court, claim as the right of them the said *J.* and *I.* by our Writ of Entry upon the *Cui in vita*, by the Default of them the said *Defendants*; and whereupon it is considered in our said Court before, &c. that the aforesaid *T.* and *J.* should prosecute alone without the aforesaid *R.* and *J.* as to the said moiety of the aforesaid Tenements with the appurtenances: And therefore we command you, that to them the said *T.* and *J.* of the aforesaid Moiety of the tenements aforesaid with the appurtenances, you cause to be made without Delay full seizin, and in what manner, &c.

Seisin of a moiety after default upon summons and severance.

Resting. Know you, that *T. P.* in our Court before, &c. by the consideration of the same Court hath recovered against *W. B.* and the custody of the Mannor of *A.* with the appurtenances untill the lawful age of the Heir of *J. S.* Esquire, for that the aforesaid *J.* held his Land of them by Knights service by our VVrit of Ejection of the custody: Therefore we command you, that to him the said *Plaintiff*, that custody without delay you cause to be had, and in what manner, &c.

Habere facias for the custody of the Land untill the full age of the heir.

Resting. Whereas *J. S.* was summoned of being in our Court before, &c. to answer *Gilbert Earl of Shrewsbury* of a plea wherefore, whereas of the Common Counsel of our Realm of *England*, it is provided that it shall not be lawfull to any to make Wast, Sale, or Destruction of Lands, houses, woods, or Gardens, unto him demised for term of Life or years, the same *I.* of houses, woods, and Gardens in one Messuage, &c. with the Appurtenances in *D.* which the same Earl demised unto him for the Term of years, made wast, Sale and Destruction of the Houses, that is to say, by throwing down, &c. to the disinhericance of him the said Earl, and against the Form of the provision thereupon published, in such manner in our Court it is proceeded, in that the aforesaid Earl his *Seisin* against the aforesaid *I.* of the aforesaid places wasted, and his damages, by occasion of the wast aforesaid, in those places made, to the trebble, according to the Form of the Statute thereupon published and provided, which in the whole amount unto Forty pound ought to recover. And therefore we command you that to the aforesaid Earl full *Seisin* of the aforesaid places wasted, without delay you cause to be had and in what manner, &c. We command you also, that of the Lands and

Habere facias seisinam in wast and a ff. for damages assessed by the iury

chattells of the aforesaid *Defendant*, in your Bailiwick: you cause to be levied, the said Forty pound, and the money, &c, to render the aforesaid Earl of the Damages aforesaid whereof he is convict, &c. and that you have &c.

Seisin in dower.

Greeting. Know you, that *E. P.* Widdow which was the wife of *T. P.* in our Court before our Justices at *Westminster* by the consideration of the same Court, hath recovered her *Seisin* against *E. T.* of the third part of one Messuage, &c. with the appurtenances in *W.* as the Dowry of her the said *E. P.* of the Endowment of the aforesaid *T.* intimes past her husband by our writ of Dower, whereof she hath nothing: Therefore we command you, that to the aforesaid *E. P.* full *Seisin* of the third part aforesaid with the appurtenances to be held to her in severalty by metes and bounds; without delay you cause to be had, and in what manner you shall execute this our precept, you shall make appear to our Justices at *Westminster*, (such a Return) And that you have then there this Writ. witness, &c.

Otherwise with a writ of inquiry.

Greeting. Know you (as in the next before untill) you shall make appear to our Justices at *Westminster* (Such a Return) We command you also, that by the oath of honest and lawfull men of your County, you diligently inquire, if the aforesaid *R.* died seized of the Tenements aforesaid with the appurtenances in this Demesne as of fee simple or fee tail, and if you so find it, then what the Tenements aforesaid with the appurtenances are worth by the year in all issues above reprizalls according to the true value of them, and what time hath elapsed from the time of the death of him the said *R.* and what damages the aforesaid *E.* hath sustained, as well by occasion of the detention of the Dowry aforesaid, as for her Expences and costs by her in that behalf laid out, and the inquisition which you shall thereupon make, you shall make to appear to our justices at *Westminster* at the aforesaid Term, under your Seal and the seals of them by whose oath you shall have made that inquisition, and that you have there the names of them by whose oath you make that inquisition, and this writ witness, &c.

Otherwise with a Fisa for the value and damages.

WE also command you, that of the Lands and Chattells of the aforesaid *J.* in your Bailiwick, you cause to be made forty pound which to him the said *J.* in our said Court were adjudged, as well for the value of the dowry aforesaid, as for her damages which she had by occasion of the detention of the dowry aforesaid and the mony &c. at the aforesaid Term to render the aforesaid *E.* for the value and damages aforesaid whereof he is convict, and that you have there this writ witness &c.

IN Dowry the jury found that the husband died seized, and the value of the land but not the time when the husband died seized nor damages by occasion of the detention of the dowry, and for this a writ of seisin issued, and of inquiry what time elapsed from the time of the death of the husband & what damages &c. Mich. 25: and 26: ret. n^o O^octabis plur.

Pasch. 25. E.
liz. rotulo. 72.

Greeting. Know you that Edward Anderson Knight our cheif Justice of our Bench and Magdelene his wife in our Court before &c have recovered their seisin of one acre of land, with the appurtenances in H. by the Recognition of a certain assize of novell disseizin which they the said E. and M. in our said Court have brought against G. L. Esquire of their Freehold in H. and therefore we command you that to the aforesaid E. and M. full seisin of the Tenements aforesaid with the Appurtenances by the view of the Recognition of the Assize aforesaid, without delay you cause to be had and in what manner, &c. We command you also that of the lands and chattells of the aforesaid G. in your Bailiwick you cause to be made five marks and the monies &c. at the aforesaid Term to render the aforesaid E and M. of their damages which they had by occasion of the Disseizin aforesaid to them the said E. and M. by the aforesaid G. of the tenements aforesaid made, whereof he is convict, and that you have, &c.

Seisin with a
Fisa for dama-
ges in Assize.

Greeting. Know you that J. T. in our Court before our Justices at W. by the consideration of the same Court hath recovered against A. P. the custody of one Messuage &c. with the appurtenances, and the heir of N. P. whose custody belongs to him the said J: for that the aforesaid held his land of him by Knights Service, which the same A. had unjustly deforced him thereof by our Writ of Right of custody: And therefore we command you that to him the said J. the custody, as well of the tenements aforesaid with the appurtenances, as of T. P. the Son and heir of the same N: without delay you cause to be had and in what manner, &c. (Such a Return) We command you also that of the Lands and Chattells of the aforesaid H: in your Bailiwick, you cause to be made twenty pound for the value of the Marriage aforesaid if the aforesaid J: the Body of the aforesaid T: before he be married cannot have, and also eight pound which to him the said J: were adjudged for his Damages which he sustained, as well by occasion of the detention of the Heir aforesaid: as for his costs and Charges in that behalf layd out, and the money, &c: at the aforesaid Term to render the aforesaid J: for the value and Damages aforesaid, and that you have &c.

Habere facias
for the custo-
dy of the land
and Heir, and
a Fisa for the
value of the
Marriage.

The like for a
Presentation.

TO the venerable Father in Christ *H.* Bishop of Hereford Greeting. Know you that *W. B.* and *R. C.* in our Court before, &c. by the consideration of the same Court, have recovered their presentation to the Church of *G.* in your Diocesse being void and belonging to their donation against *R. M.* by our Writ of *Quare impedit.* And therefore we command you, that notwithstanding any gain - saying of the aforesaid *R. M.* (although the same *M.* to the aforesaid Church be admitted, instituted, and inducted, the same *R.* from the same Church you do remove, and unto that church you do admit a fit person at the presentation of the aforesaid *W. B.* and *R. C.* and in what manner, &c.

Note if iudge-
ment be by de-
fault, then it is
not to be said
(although the
same, &c.)

GREETING. Know you that it is considered in our Court before our justices at *Westminster*, that *A. C.* widdow, which was the Wife of *H. C.* Knight, lately Lord *H.* have Execution and *Seisin* against *J. C.* Knight, Lord *H.* Brother and Heir of *G. C.* Knight of the most noble order of the Garter, Lord *H.* dead of the third part of the Mannor of *M.* with the appurtenances, &c. as the Dowry of her the said *A.* of the Endowment of the aforesaid *H.* lately Lord *H.* in times past her husband by the default of him the said *J.* And therefore we command you, that to her the said *A.* full *Seisin* of the third part aforesaid with the appurtenances to be held to her in severaky by metes and bounnds without delay, you cause to be had, and in what manner you shall Execute this our precept, you shall make known to our Justices at *Westminster* (such a Return) and that you have there then this writ, witnesse, &c.

Scire Facias.

Scire facias
after a capias
in Withernam
against Execu-
tors.

GREETING. Whereas *William Sambach* was attached by our writ of second deliverance of being in our Court before our Justices at *Westminster*, to answer *W. Howell* of a plea wherefore, he the sixth day of *September* in the eighth year of our reign at *L.* in a certain place called *B.* took cattell, that is to say, two Oxen, three Cowes and five Bullocks of him the said *W. H.* and them unjustly detained against Sureties and Rledges as it is said, the same *W. S.* in our same Court appearing, by certain reason by him in our said Court alleadged, well avowed the taking of the cattell aforesaid in the aforesaid place, containing ten acres of Land parcell of the Mannor of *L.* in your County, for eighty five pound, that is to say, for five pound thereof, of a certain annuall Rent of ten pound issuing amongst other things out of the aforesaid Mannor of *L.* to him the said *W. S.* for half a year ended at, and upon the first day of *May*, in the second year of our Raighn, for the aforesaid

foresaid eighty pound in *Nomine pena*, for non-payment of the aforesaid five pound in eight Months in like manner ended, at the time of the taking of the cattell aforesaid, being in arrear and unpaid, to be just, and whereas also in our said Court in such manner it is proceeded, in that the aforesaid W. H. as to the aforesaid five pound of the annuall rent aforesaid, shall take nothing by his Writ aforesaid, but should be in mercy for his false claim thereupon; and that the aforesaid W. S. should go thereupon without day, and that he should have Return of the Cattell aforesaid to be held to him irrepleviable for ever, as also that the same W. S. ten pound and ten shillings which to him the said W. S. in our said Court, according to the Form of the statute thereupon published and provided, were adjudged for his Damages which he had sustained by occasion of the Premises, against the aforesaid W. H. should recover, and also that the aforesaid W. H. as to the aforesaid eighty pound Forfeiture in *Nomine pena*, should be thereof quit; by which we command you that the Cattell aforesaid, to the aforesaid W. S. without delay you cause to be returned, to be held to him irrepleviable for ever, and in what manner that our precept should be executed, you should make appear to our Justices at *Westminster*, from the day of *Easter* in one month last past: And you at that day returned to our Justices at *Westminster*, that before the coming of the aforesaid Writ, the Cattell aforesaid were removed a far off by the aforesaid W. H. to places unknown unto you, so that the same to the aforesaid W. S. you could not return, by which as otherwise we commanded you, that of other Cattell of the aforesaid W. H. to the value of the aforesaid Cattell formerly taken, you should take in *Withernam*, and the same to the aforesaid W. S. without Delay you should deliver to be held unto him, untill the Cattell aforesaid formerly taken to him the said W. S. should be returned, and in what manner that our Writ should be executed, you should make appear to our justices at *Westminster* (such a Return last past) and that he should put by sure and safe pledges the aforesaid W. H. that he be before our Justices at *Westminster*, at the aforesaid Term to answer as well us of the contempt, as the aforesaid W. S. of the damages and injuries to him on that behalf brought, as by the Record &c. Execution, &c. and the aforesaid W. H. is dead, as by the information of the aforesaid W. S. we have received, and because &c. that by honest men, &c. you cause to be made known unto J. H. and E. his wife Executrix of the Testament of the aforesaid W. H. that they be before &c. in eight dayes of Saint *Hilary* to shew, &c. wherefore the aforesaid W. S. had Execution against them of other Cattell which were of the aforesaid W. H. at the time of his death, to the value of the Cattell aforesaid first taken, and in the hands of them the said J. and E. being to be taken in *Withernam*, and to be delivered to the aforesaid W. S. to be held unto him, untill the Cat-

tell

tell aforesaid, first taken to him the said *VV. S.* shall be restored, as of the Damages aforesaid, by him the said *VV. S.* against the aforesaid *VV. H.* in his life time recovered of the Goods and Chattels, which in like manner were the aforesaid *VV. H.* at the time of his Death, in the hands of the aforesaid *J. and E.* being to be levied, ought not to have against the form of the Statute, &c. the eight and twentieth day of *November*, in the fifteenth year of King *James*.

Scire facias
for the value
and damages
in dower.

Greeting. VWhereas *F. Clark* widdow, which was the wife of *J. C. Esquire*, lately in our Court, to wit the Term of Saint *Michael*, in the thirteenth year of our Reigne; before *Henry Hobart*, Knight and Baronet, and his companions then our Justices at *Westminster*, by the consideration of the same Court, had recovered against *T. C. Gentleman*, 12 *l.* 17 *s.* and 8 *d.* which to her the said *F.* in our Court before our Justices at *Westminster*, were adjudged as well for the value of the Dowry of her the said *F.* of one Messuage and one Garden with the Appurtenances in *B.* from the time of the Death of the aforesaid *J.* in times past her Husband; as for her Damages which she had by occasion of the detention of that Dowry, whereof he is convict. And afterwards the aforesaid *F.* in our same Court, freely releated to the aforesaid *T.* 40 *s.* of the value and Damages aforesaid, as by the Record, &c. manifestly; yet Execution of the Judgment aforesaid, as to 10 *l.* 17 *s.* and 8 *d.* residue of the value and Damages aforesaid, as yet rests to be made; and the aforesaid *F.* after the Judgment aforesaid, rendred, in form aforesaid rendred, took to Husband one *J. M.* and now is under covert-Baron, as by the Information of the said *J. M.* and *F.* we have received: And because, &c. that by honest men, &c. to shew wherefore the aforesaid *J. M.* and *F.* ought not to have Execution against him, of the aforesaid 10 *l.* 17 *s.* and 8 *d.* residue of the value and Damages aforesaid, if, &c. And that you have there then the names, &c. and this writ, *Witnesse*:

Scire facias
in dower after
the death of the
Husband de-
mandant, and
the death of the
Tenant.
Trin. 27. E.
12, rot. 147.

Greeting. Whereas *E. L. Esquire*, and *E.* his Wife, lately in our Court, to wit the Term of *Easter* (such a yeare) before, &c. by the consideration of the same Court, had recovered their Seisin against *C. S. Knight*, Lord *S.* of the third part of the Mannors &c. as the Dowry of her the said *E.* of the Endowment of *W. S.* in time past her Husband, as by, &c. yet Execution of the Judgment, &c. And as well the aforesaid *E. L.* as the aforesaid *C. S.* are dead, and one *A. Lady, S.* widdow, late the wife of the aforesaid *C. S.* into the thid part of the Mannors of *C.* &c. partell of the Mannors and Tenements aforesaid, is entred, and the same now holdeth, against the form of the Recovery aforesaid, as by the Information of the aforesaid *E.* we have received: And because, &c. to make known

to the aforesaid *A.* if any thing, &c. wherefore the aforesaid *E.* ought not to have Execution and Seisin of the third part of the Mannor, &c. according to the form of the Recovery aforesaid, if, &c.

Resting. Whereas *R. S.* and *T. D.* lately in our Court before, &c. had recovered their Seisin against *J. B.* of thirteen Messuages, &c. with the Appurtenances in *E.* by our writ of entry upon Disseisin in the Post, yet Execution, &c. and one *W. D.* into one Messuage, one Garden, &c. with the Appurtenances, parcell of the Tenements aforesaid is entred, and holdeth the same, against the form of the Recovery aforesaid, as by the Information of the aforesaid *R.* and *T.* we have received. And because, &c. wherefore the aforesaid *R.* and *T.* ought not to have Seisin and Execution of the Tenements aforesaid, if, &c.

Scire facias upon a Recovery upon a writ of Entry in le post.

Resting. Whereas *N. S.* in the Court of *J. T.* of his Mannor of *P.* before the Bailiffs and Suiters of the Court, honest men of *P.* aforesaid, had recovered against *W. L.* 39 s and 11 d. by a certain Plaint against him the said *W.* in the same Court brought for a certain Trespasse, to him the said *N.* by the aforesaid *W.* supposed to be done, which said Record by force of a certain writ of false Judgment, to you thereupon directed, Before, &c. was by you lately sent and had, which said Plaint, and the Record and Processe thereupon made, as also the Judgment rendred upon the same, by our said Justices being seen, heard, and fully understood, it was considered by our same Justices, that the Judgment aforesaid should be revoked, as a false and erroneous Judgment, and be totally held for nothing: And that the aforesaid *W. L.* to the aforesaid 39 s and 11 d. and to all other things, which by the false Judgment aforesaid he hath lost, he be restored. And because, &c. to make known to the aforesaid *N.* &c. to shew if any thing, &c. which he ought not to be restored, to what he hath lost, by the false Judgment aforesaid, according to the form of the consideration aforesaid, if, &c. And that you have there then the names, &c.

Scire facias - to have restitution upon a false judgment.

Resting. Whereas *W. B.* one of the Attornies of our Court of Bench, according to the Liberties and Priviledges of the same Court, lately in our Court before, &c. by the consideration of the same Court, had recovered as well his Term of and in the Mannor of *L.* with the Appurtenances against *R. H.* which *A. VV.* Knight, (such a day and yeare) demised to him the said *W.* to have and to occupy, to him and his Assignes, (from such a Feast then next following) unto the end and term of one and twenty yeares, from thence next following, and fully to be compleat and ended, which is not

Scire facias in Eiectione firme, against the Executors of the Defendant for damages and against a stranger
Hillary 23-
Hen: 8. rot.
527.

not as yet past. And wherefore the aforesaid *R.* the same *VV.* from his Possession thereof did expell and amove, and him the said *VV.* from his Farm aforesaid ejected, as 20 s. which to him, &c. for his Damages which he had by occasion of the Premisses, whereof he is convict; as by the Record, &c. Yet Execution of the Judgment aforesaid as yet rests to be made, and the aforesaid *R.* is dead, and one *G. G.* into the Mannor aforesaid with the Appurtenances, is now entred, and holdeth the same against the form of the Recovery aforesaid, as by the Information of him the said *VV.* we have received. And because, &c. that by honest men, &c. you make known to *T. H.* and *E. H.* widdow, Executors of the last Will and Testament of the aforesaid *R.* and to the aforesaid *G.* who now holdeth the aforesaid Mannor with the Appurtenances, that they be before, &c. to shew severally if they have any thing for themselves, or know to speak any thing, that is to say, the aforesaid Executors, wherefore the aforesaid *W.* Execution against them of the monies, &c. And the aforesaid *G.* wherefore the aforesaid *VV.* Execution against him, of the Term aforesaid, as yet to come, ought not to have according to the form, &c. if, &c.

Scire facias against an heire upon a recovery in debt against his Ancestor,
Mich. 24. Hen.
7. Rot. 218.

Greeting. Whereas *C. M.* lately in our Court, before, &c. had recovered against *I. B.* as well a certain Debt of a 100 l. as 60 s. which, &c. whereof he was convict. Which said *I. B.* at the time of the rendring the Judgment aforesaid, was seised of a hundred acres of Land, with the Appurtenances in *N.* in your Countrey, in his Demesne as of Fee: And being so thereof seised, afterwards died seised of such his Estate, after whose Death, those Tenements with the Appurtenances descended to one *H. H.* as to the Colen and Heire of him the said *I.* that is to say, Son, &c. by which he the same *H.* into those Tenements with the Appurtenances did enter, and was and yet is thereof seised, in his Demesne as of Fee; yet Execution of the Judgment aforesaid as yet rests, &c. whereof the Debt and Damages aforesaid, of the Lands and Tenements aforesaid, ought not to be made and rendred to the aforesaid Plaintiff, according to the form of the Recovery aforesaid, if, &c.

Scifa upon a cognizance, the entry.

Command was to the Sheriff, whereas *J. S.* Knight, lately in the Court of our Lord the King that now is (such a day, such a Term and yeare) before *R. R.* Knight, then chiefe Justice of our Lord the King, of his Bench, and his Fellowes then Justices of our said Lord the King, of his Bench at *W.* acknowledged himselfe to owe unto *W: H:* Elquire, & *A:* his wife, a hundred pound Sterling, to be paid to him the said *VV:* and *A:* or his Assignes at (such a Feast) then next following: And unlesse he did it, he granted that the aforesaid Sum of his Lands and Chattels, &c. as by the Record,

&c.

&c. manifestly (yet Execution of the Judgment aforesaid as yet rests to be made. (or thus) yet the same \mathcal{J} . the aforesaid 100*l*. to the same \mathcal{VV} : and \mathcal{A} : hath not as yet paid, as by, &c. And because, &c. wherefore the aforesaid \mathcal{UU} : and \mathcal{A} : Execution against him of the aforesaid 100*l*. ought not to have, according to the form of the Recognizance aforesaid, if, &c.

Note, that if a Scire facias issue against two upon a Recognizance, and one be returned dead, the Survivor shall not be charged with the whole, but the Ter-tenants and the Heire.

IT was commanded to the Sheriff, whereas \mathcal{T} : \mathcal{B} : &c. had recovered against \mathcal{J} : \mathcal{G} : &c. and the aforesaid \mathcal{J} : is dead, and died seised of divers Lands and Tenements in your County, in his Demesne as of Fee, as by, &c. And because, &c. to make known to \mathcal{H} : \mathcal{G} : Son and Heire of the aforesaid \mathcal{J} : \mathcal{G} : who holds Lands and Tenements which were the aforesaid \mathcal{I} : at the time of the Judgment aforesaid rendred, as it was said, that he should be here at this day, to wit from the day of *Easter* in one Month, to shew if any thing, &c. wherefore the aforesaid \mathcal{T} : \mathcal{B} . ought not to have Execution against him, of the Debt and Damages aforesaid, according to the form of the Recovery aforesaid, if, &c. And now here at this day, came the aforesaid \mathcal{T} : \mathcal{B} : by \mathcal{A} : \mathcal{B} : his Attorney, and offered himselfe the fourth day against the aforesaid \mathcal{H} : \mathcal{G} : of the aforesaid Plea, and he being solemnly, called came not; And the Sheriff now returns, that the aforesaid \mathcal{H} : \mathcal{G} : hath nothing, &c. nor is found, &c. And upon this it is testified in the Court of the Queen here, that there are divers Lands and Tenements which were the aforesaid \mathcal{I} : \mathcal{G} : in the Counties of \mathcal{S} : \mathcal{VV} : and \mathcal{N} : in eight daies of the Purification of the blessed Virgin *Mary*, on which day the Judgment was rendred whereof the debt & damages aforesaid may be made & ought to be levied, and praies severall writs to the Sheriffs of the aforesaid Counties of \mathcal{S} : \mathcal{VV} : and \mathcal{N} : to warn the Tenants of the Lands and Tenements which were the aforesaid \mathcal{I} : \mathcal{G} : the aforesaid time of the Judgment aforesaid rendred, or at any time after, in the Bailiwick of them the said Sheriffs, that they be here (such a Return) to shew if any thing, &c. wherefore the Debt and Damages aforesaid, of those Lands and Tenements, ought not to be made and rendred to the aforesaid \mathcal{T} : \mathcal{B} : according to the form of the Recovery aforesaid, if, &c. And in what manner, &c. each of the aforesaid Sheriffs of the Counties aforesaid should cause to be made appeare here at the aforesaid Term, &c. And now here at this day came the aforesaid Plaintiff by his Attorney aforesaid, and offered himselfe the fourth day, against the Tenants of the Lands and Tenements which were the aforesaid \mathcal{I} : \mathcal{G} : the aforesaid time of the Judgment aforesaid rendred

The entry of a Scire facias against the bene upon a Judgment in debt bad against the Father, Pasch. 304. Eliz. Rot. 456. Mich. 3. and 4. Eliz. Rot. 845.

Nichil returned. Testatum awarded into severall counties against the Ter-tenants.

rendred, or at any times after of the aforesaid Plea: And they being solemnly called came not; And the Sheriff of the aforesaid County of *W.* that is to say, *J. S.* Knight, now returnes that he hath made known to *H. G.* Tenant of 42 *l.* of annuall Rent, issuing out of the Mannor of *S.* with the Appurtenances in the County of *W.* which said Rent of 42 *l.* was the aforesaid *J. G.* on the aforesaid eight daies of the Purification of the blessed Virgin *Mary*, and after that the same *H. G.* be here at this day, to shew in form aforesaid, &c. by *VV. R.* and *T. L.* honest men, &c. And the Sheriff of the aforesaid County of *X.* that is to say, *T. S.* Esquire, now in like manner returnes that he had made known, &c. as above; and the Sheriff of the aforesaid County of *S.* that is to say, *VV. P.* Knight, now returnes, that there are no Tenants of the Lands and Tenements which were the aforesaid *J. G.* on the aforesaid eight daies of the Purification of the blessed Virgin *Mary*, or at any time after, to whom he could make known, &c.

A Scire facias thereupon against the Ter-tenants, with a Testatum.

AND because, &c. he make known to the Tenants of the Lands and Tenements which were the aforesaid *I. G.* in eight daies of the Purification of the blessed Virgin *Mary*, such a Term and yeare, on which day the Judgment was rendred, or at any time afterwards in your Bailiwick, that they be before, &c. according to the form of the Recovery aforesaid, if they shall see it meet. And whereupon our Sheriffs of *London* returned to our Justices at *Westminster*, from the day of *Easter*, in fifteen daies last past, that *H. G.* Son and Heire of the aforesaid *J. G.* had nothing in their Bailiwick, by which they could make it known unto him, whereas it is testified in our Court, that there are divers Lands and Tenements in your County, which were the aforesaid *I. G.* the aforesaid time of the Judgment aforesaid rendred, and long afterwards, whereof the Debt and Damages aforesaid may be made and ought to be levied: And that you have there the names, &c.

Mich 33. and 34. Eliz. Rot. 423.

BURTON brought a Scire facias against the Ter-tenants of *Fox*, supposing in his Scita that *Fox* was dead, and the Ter-tenants plead in abatement for that, that the Scire facias was not brought against the Heire or Executor of the Recognitor.

A Scire facias upon a Recognizance, and the Sheriff returnes the party to be dead, and the Plaintiff praies two Scire facias, one to the Sheriff of A. and the other to the Sheriff of C. &c. Easter Terms, the fifteenth yeare of the Queen, Rot. 760.

Scire facias in Quare impedit, after the death of one of the Plaintiffs.

Greeting. Whereas *I. L.* Knight, and others lately in our Court before, &c. by the consideration of the same Court, hath recovered against *R. S.* Clark to the Canonry and Prebendary, in our Collegiate

legiate Church of &c. which *W. C.* lately had as by the Record &c. yet Execution of the Judgment aforesaid, as yet rests to be done, and the aforesaid *J. L.* is dead, as by the information of the aforesaid Plaintiffs have received, and because, &c. he should make known to the aforesaid *R.* that he be here (such a Return) to shew if &c. wherefore the aforesaid Plaintiffs ought not to have Execution of the Judgment aforesaid against him, according to the Form of the recovery aforesaid.

It was commanded &c. Whereas *T. B.* lately &c. had recovered his presentation to the Church of *A.* which was void and belonged to his donation against *R. S.* &c. as by, &c. to make known &c. wherefore the aforesaid *T.* a fit person to the Church aforesaid ought not to present according &c. if &c. and now here at this day &c. Therefore it is considered that the aforesaid *T.* should have execution of the judgement aforesaid against the aforesaid *R. S.* by his default, &c.

The Entry in another manner. Hillary the eighth year of King James. Rot. 2632.

Command was given to the sheriff. VWhereas *T. G.* and *E.* his wife, Executrix of the Testament of *R. H.* lately in the court of the Lord the King, to wit (such a Term such a year before &c. had recovered against *G. G.* as well a debt &c. as in our court &c. it manifestly appears, and afterwards the aforesaid *E.* died, after whose death the aforesaid *T.* took to wife one *P. C.* which said *T.* after El-pou falls between him and the aforesaid *P.* celebrated died; after whole death the administration of all and singular the Goods which which were as well the aforesaid *R. H.* as the aforesaid *T.* and *E.* by the most reverend &c. Arch-Bishop of York, and by the most reverend &c. Arch-Bishop of Canterbury of all England Primate and Metropolitan at *L.* to him the said *R. F.* it was committed, yet execution, &c.

Scire facias by an Administrator of the Husband, who had formerly married the Executrix. Easter Term 15. and 16. Hen. 8. rot. 46

Greeting. VWhereas *R. R.* Clark, otherwise in the Court, &c. by the consideration of the same Court, had recovered against *M. F.* eight pound for the value of a certain Gelding, as also sixty shillings &c. which to him the said Plaintiff in our said Court were adjudged for his damages which he sustained by occasion of the Detention of that Gelding, whereof he is convict, as by the Record &c. yet Execution, &c. wherefore the aforesaid Plaintiff ought not to have Execution of the judgement aforesaid against him according to the Form of the Recovery aforesaid, if &c. And now &c. the sheriff now returns that he hath nothing &c. therefore it is considered that the aforesaid Plaintiff have Execution against the Defendant aforesaid, according to the Form of the recovery aforesaid by default &c.

Scire facias in Detinue, for the value and damages.

Scire facias
where two of
the Plaintiffs
were made
Judges after
judgment and
the other
Knights.

Greeting. Whereas *R. E.* our Serjeant at Law, *L. P.* our Serjeant at Law, *W. R.* Esquire and *H. L.* Esquire in our Court before, &c. had recovered their *Seisin* against *W. R.* of the manor of *W.* with the appurtenances as by the Record, &c. yet Execution, &c. And now by our Letters patents we have constituted the aforesaid *R. E.* one of our justices of our Bench, and also by our Letters patents we have constituted the aforesaid *L. P.* another of our Justices of our Bench, by vertue of which said Letters Patents each of them the said *R.* and *L.* now occupies and exercises the Office of a Justice of the same Bench, and each of the aforesaid *W. R.* and *H. L.* Esquires, have have taken upon them the order of Knight-hood, and are now Knights, as by the information, &c.

A Bishop, after
judgment had,
made an Arch-
Bishop.

AND the aforesaid Bishop after judgment aforesaid rendred, was duly Elected and consecrated Arch-Bishop of the Arch-Bishoprick of *York*, and now remains Arch-Bishop of *York*, as by the information, &c.

The entry of a
Scire facias to
follow together
with &c.
Trin. 23 Hen.
8 tor. 333.

Command was given to the Sheriff, whereas *T B.* lately in our Court, &c. yet Execution, &c. as by the information of *A. B.* Widdow, *C. B.* and *H. B.* Executors of the Testament of the aforesaid *T.* the King had received, and because &c. to make known to the aforesaid *Defendant* &c. wherefore the aforesaid Executors ought not to have Execution against him of the debt and damages aforesaid according to the Form of the Recovery aforesaid, if &c. And now here at this day came as well the aforesaid *E.* by *C.* her Attorney, as the aforesaid *Defendant* by *R. L.* his Attorney, and the aforesaid *C.* and *H.* came not, therefore its commanded the Sheriff of *L.* that by honest, &c. he make known to the aforesaid *C.* and *H.* that they be here (such a Return) to follow against the aforesaid *Defendant* together with the aforesaid *E.* their plea aforesaid, if &c. the same day is given as well to the aforesaid *E.* as to the aforesaid *Defendant* here, &c.

Scire facias a-
gainst an Exe-
cutor to ac-
knowledge or to
deny a Release
where the de-
fendant is out-
lawed.

Greeting. Whereas *I. B.* now dead, otherwise in the Court of the Lord Henry, late King of England, our Father at *W. Westminster*, to wit (such a Term, &c. before, &c. had recovered against *T. S.* as well a certain debt of Forty pound, as ten marks which, &c. by occasion of the detention of the debt aforesaid, as by a certain Jury before the beloved and faithfull of him our said Father, *H. H.* and *R. H.* lately his Justices at Assizes in your Country assigned to be taken by the form of the Statute therefore provided (such a day last past) at *W.* between them taken, it is found: and although after *J. W.* Executor of the Testament of the aforesaid *I. B.* of the debt and damages

magis aforesaid being satisfied, the same Executor by the name of J: W. Executor of the testament of J: B: by his writing remised, releas-
ed, and altogether for himself and his Executors quite claimed to the
aforesaid T: all actions personall, which against him he had, or in any
manner might have, from the beginning of the World unto the day
of the making of the writing aforesaid, as by the same writing in our
Court before &c. being shewn, may more fully appear, yet the afore-
said T. by occasion of the Execution of the debt and Damages afore-
said by the Sheriff of the County aforesaid, was taken and is commit-
ted to our Prison of the Fleet, by occasion of the Premises for that he
found not before the aforesaid justices of our aforesaid Father, Pled-
ges to satisfie the aforesaid J: B. of the Debt and Damages aforesaid,
was put unto the Exigent in your County to that Outlawry, and by
that occasion afterward outlawed, and by occasion of that Outlawry
he rendred himself to our prison of the Fleet, and there remains in
his the said T. no small Expencc and greivance; whereupon he hath
supplicated us to provide for him a fit remedy in this behalf. And be-
cause it is not known whether the suggestion of him the said T. be
true or no, We command you that by honest, &c. you make known
to the aforesaid Executor, that he be here (such a Return) to ac-
knowledge or deny the writing aforesaid if he will, and that you have
here the names, &c: and this writ, witnesse &c.

Greeting. Whereas P: Abbot of the Monastery &c. in our court
before our Justices at Westminster, was summoned to answer J:
C: of a plea, that he render him a certain Box with Deeds, Writings,
and other monuments in the same box contained, which he unjustly
detaines from him, as it is said, and the same Abbot in our said court
appearing, and bringing thither the aforesaid box sealed with the
Deeds, Writings and monuments aforesaid in the same Box contain-
ed ready to deliver to him or to them whom our Court shall consi-
der of, said that that Box sealed to him the said Abbot at S. aforesaid
as well by the aforesaid J: C: as by one N: L. Knight, together with
their Assent and consent was delivered on an equall hand, under
certain conditions safely to be kept, and to the aforesaid J: and N: or
either of hem under those conditions to be redelivered; but whether
those conditions on the behalf of the aforesaid J: C. be fulfilled or no,
the same Abbot said, that he was altogether ignorant, desiring that
the same N: may thereupon be warned, which was granted unto him.
And therefore we command you, that by honest, &c: you make
known to the aforesaid N. that he be here &c. to shew cause where-
fore the box aforesaid with the Deeds writings and other monuments
aforesaid to the aforesaid J. ought not to be delivered if it seem Ex-
pedient to him, and that you have &c.

Scire facias in
Detinue.

Greeting

Scire facias on
a Recognizance
taken before a
Judge out of
Court.

Creeting. VWhereas I. R. (such a day and year) before J. H. Knight, one of our Justices of the Bench at Westminster, at the Innes of the Justices, called Serjeants-Inne, in Chancery Lane, London, acknowledged himselfe to owe unto I. E. 50 l. which he ought to have paid unto him on (such a Feast) then next following; which said Recognizance, the aforesaid J. H. (such a day) in the Term of Saint Michael last past, in our Court of Bench aforesaid, by his own proper hands delivered there of Record inrolled, and there before E. M. Knight, and his Fellowes our Justices of the same Bench, the same Term of Saint Michael, Rot. 109. remains inrolled; which said 50 l. the aforesaid J. hath not as yet paid. Or (thus) Which to him he ought to have paid, on such a Feast then next following, as by the Record thereof, by the aforesaid J. H. in our Court before, &c. had and delivered, and there remaining manifestly appeares. Yet the same J. R. the aforesaid 50 l. to the aforesaid J. E. hath not paid, as by the Information, &c. And because we will have those things which before the aforesaid J. H. our Justices, in form aforesaid, are acknowledged, and in our aforesaid Court of Record remain inrolled, to demand due Execution: We command you, &c.

Note that if the Recognizance be acknowledged in London, before a Justice of the Bench, and that it be certified into the Bench, and there inrolled, the Scire facias upon this shall be brought in London, and not in Middlesex, by all the Prothonotaries, Mich. 1. and 2. Queen Mary.

Mich. 6. & 7. Eliz. Rot. 1887. A Scifa to the Sheriff of Lincolne, upon a Recognizance taken before J. D. Knight, taken at the Castle of Lincolne.

Note if a Recognizance be acknowledged to two, and one of them dies, the Survivor shall have Execution, and mention shall be of him living, and that the aforesaid other is dead, after the Recognizance aforesaid, in form aforesaid taken, as by the information, &c.

Scire facias
upon a returno
habendo irre-
plevable for
damages. The
Entry.
Pasch. 27. Hen.
8. Rot. 441.

IT was commanded to the Sheriff, whereas I. C. Clark, and R. C. were attached by the writ of our Lord the King, of second deliverance, of being in the Court of the King here, to answer H. S. of a Plea wherefore they (such a day and yeare) at B. in a certain place called E. took the Cattell, that is to say, two Oxen of him the said H. and them unjustly detained against Sureties and Pledges, in such manner in the Court of the King here, to wit in the Term of Easter (such a yeare) before J. B. Knight, and his Companions then Justices of him the said Lord the King, of his Bench here, to wit at Westminster aforesaid, it was proceeded in that the aforesaid Defendants should have return of their Cattell aforesaid, to be held to them irreplevable

repleviable for ever: And also that the aforesaid Defendants according to the form of the Statute thereupon published and provided, should recover against the aforesaid Plaintiff, 53 s 4 d. which to them the said Defendants, in the same Court of the King here, were adjudged for their Damages, which they had by occasion of the Premises, whereof he is convict, as by the Record in the Court of the King here residing it manifestly appeares, yet Execution, &c. as by the, &c. that by honest and lawfull men, &c. he make known to the aforesaid Plaintiff, that he be here at this day, to wit in eight daies of Saint Michael, to shew if any thing, &c. wherefore the aforesaid Defendants, the return of their Cattell aforesaid, in form aforesaid, and also Execution against him of the Damages aforesaid, ought not to have, according to the form of the Recovery aforesaid, if, &c. And now here at this day came the aforesaid Defendants, by B. S. their Attorney, and offered themselves the fourth day, against the aforesaid Plaintiffs, of the aforesaid Plea, and he solemnly called came not, but made default: And the Sheriff now returnes, that he by vertue of the writ aforesaid to him directed (such a day) by A. and B. honest men &c. not being here at this day, to shew in form aforesaid, &c. Therefore it is considered, that the aforesaid Defendants have return of the Cattell aforesaid, against the aforesaid Plaintiff, to be held to them irrepleviable for ever, as also Execution against him of the Damages aforesaid, by default, &c.

IT was commanded to the Sheriff, whereas J. S. was summoned of being, &c. to answer A. B. of a Plea wherefore he took the Cattell of him the said A. and them unjustly detained against Sureties and Pledges; the same A. afterwards in the same Court of the aforesaid late King, made default, for which it was considered there, that he and his Pledges of Prosecuting should be in mercy, and that the aforesaid J. should go without day, and that he should have return of the Cattell aforesaid, as by the Record and Processe thereupon in the Court of our Lord the King that now is, before his Justices here residing it manifestly appeares, yet Execution of the Judgment aforesaid, as yet remains to be made: And because, &c. that by honest and lawfull men, &c. he make known to the aforesaid A. that he be here at this day, to wit (such a Return) &c. to shew, &c. wherefore the aforesaid J. ought not to have return of the Cattell aforesaid, according to the form, &c. And now at this day came the aforesaid J. by C. R. his Attorney, and offered himselfe the fourth day against the aforesaid A. of the aforesaid Plea, and he solemnly called, came not; And the Sheriff now returnes, that he hath nothing, &c. nor is found, &c. Therefore it is considered, that the aforesaid J. have return of the Cattell aforesaid, against the aforesaid A. by default, &c. And in what manner he shall execute, &c. the Sheriff.

The entry of a Scifa, for a returno habendo.

Sheriff shall make to appeare here (Such a Return &c.) and a Writ of Second deliverance is granted.

Scire facias
for the Terte-
nants upon a
iudgment in
Formedon.
Pasch. 3. Hen.
6. rot. 485.

A Scire facias upon a Recovery in Formedon by *T. Stamford* and *A.* his wife against *I. P. &c.* yet Execution &c. and one *T. B.* and *C.* into the tenements aforesaid with the appurtenances, are now entred, and the same hold against the Form of the Recovery aforesaid, as by the information of *R. D. Sonne* and Heir of the aforesaid *A.* the King hath received: and because &c.

ANd the aforesaid *T. B.* and *C.* say, that execution ought not &c. because they say, that the day of the issuing forth of the originall Writ of the aforesaid *T. S.* and *A.* by which it is supposed them to have recovered the tenements aforesaid with the appurtenances against the aforesaid *I. P.* and the whole time of that Writ depending, one *W: H:* and *J:* his wife were seized of those tenements with the Appurtenances in their Demesne as of fee in right of the aforesaid *J:* whose said *W. A.* and *J:* his estate of and in those tenements aforesaid with the appurtenances they the said *T. B:* and *C:* now have, and the day of the issuing forth of the aforesaid Writ of scire facias, had in the same, without that, that the aforesaid *J: P.* the day of the issuing forth of the aforesaid originall Writ, or at any time afterwards depending that Writ, had any thing in the same as of freehold: and this, &c.

And the aforesaid *R. B.* sayes that he ought not to be precluded, because he saith that the aforesaid *J: P:* the day of the issuing forth of the aforesaid originall writ of the aforesaid *R:* to wit (such a day and year) was Tenant as of the Freehold of the tenements aforesaid with the appurtenances, as by the same Writ it is supposed: and this he prayes, &c.

Scire facias a-
gainst one Exe-
cutor where-
fore he ought
not have Exe-
cution of his
proper Goods
upon a Deva-
stavit returned
Pasch 4. Hen.
8 rot. 303.

Command was given to the Sheriff Whereas lately the King Commanded the same Sheriff by writ, that of the Goods and chattells which were of *T. R.* late Arch-Bishop of York, at the time of his death in the hands of *G.* Bishop of Coventry, and *Lichfeld*, and *A: C.* executors of the Testament of the same Arch-Bishop, being in your Bailiwick, you should cause to be made a hundred pound sixty thillings and eight pence, which *T. Prior* of the Monastery &c: in the Court of our Lord the King here hath recovered against the same Arch-Bishop, and that he should have that mony here on the morrow of the Purification &c. then last past, to render the aforesaid Prior for the Debt aforesaid, whereof the same Arch-Bishop is convicted, and the same Sheriff at the aforesaid, morrow of the Purification here returns, that the aforesaid Executors had no Goods or Chattells which

which were the aforesaid Archbishops at the time of his death in their hands to be administred, nor had, the day of the receiving the same writ, whereby he might be able to make, or levie mony, as that writ in it self required, but that the aforesaid *H* had diverse Goods and Chattels to the value of 100 *l.* 6 *s.* and 8 *d.* which were the aforesaid late Archbishops, and the same wasted before the receipt of the aforesaid Writ, and converted to his own proper use, as it appeared unto him. And because &c. to make known to the aforesaid *H* that he be here at this day, to wit, from the day of Easter, in 15 dayes, to shew if any thing &c. wherefore the aforesaid Prior Execution against him of the debt aforesaid, of the proper Goods and Chattels of him the said *H*, ought not to have, if &c. And now here at this day came the aforesaid Prior by *S. L.* his Attorney, and offereth himself the fourth day against the aforesaid *H*. of the aforesaid plea, and he solemnly called, came not: And the Sheriff now returns, that he hath made known to him the said *H*. of being here at this day, to shew in form aforesaid, by *I. D.* and *S. R.* honest men &c. Therefore it is considered, that the aforesaid Prior have Execution against the aforesaid *H*. of the debt aforesaid of the proper Goods and Chattels of him the said *H*. by default &c.

Command was given to the Sheriffs, Whereas in the Parliament of our Lord the King that now is at *Westm.* in the twenty third year of his Reign, it was ordained, that the Sherif of each County, for the time being in the next County Court in his County after the delivery of the Writ for the Expences of the Knights of the County, for the time being for the Parliament to be levied, should make publick Proclamation to the Burrowghs, and every Sherif, Constable of the Peace of the said County; and to the Bailifs of each Hundred, or Wapentage of the same Counties, and all others willing to be at the assessement of the Expences of the Knights at the next County, there to be held, to be assessed to the said expences of the aforesaid Knights: and that the Sherif, or Under-sherif, Coroners, or Byslifs for the time being, at the same time in their proper persons be there, under the forfeiture to the Lord the King, for every of their defaults making 40 *s.* at which time the Sherif, or Under-sherif aforesaid in presence at that time coming, and the suiters of the aforesaid Counties then there being in full County, well and duly every Hundred to this to be assessed unto a certain summe for the expences of the said Knights, to be paid by it self, so that the intire summe of all Hundreds doe not exceed the summe to the Knights aforesaid due. And afterwards in the same County he do well and lawfully assesse each Village within the said Hundred to be to this assessed to one certain summe for payment of the said Expences, so that the entire summe of all Villages within any of the aforesaid

Scire Facias,
upon the Statute of 23
Hen. 6.
Hil. 35 Hen. 6
Rot. 372.

Hundreds do not exceed the summe assessed upon the same Hundred. And that the aforesaid Sheriff and Under-sheriff, Bayliff, nor any other Officer for the cause aforesaid should not levy more money of any Village then to what that Village was assessed in manner and form as it is assessed. And if any do, or if they will assesse any Hundred or Village other then is aforesaid, that they shall forfeit to our Lord the King for every default 20 l. And whomsoever in that case will prosecute, shall have 10 l. And whomsoever in that case will prosecute, to be admitted: And in that case, for his Action, a writ of *Scire facias* against the offender of the aforesaid Ordinance shall be had as in the aforesaid Statute more fully is contained. And the King understood, that although *T. S.* lately Sherif of the County aforesaid, in full County at *B.* held coming in presence at that time, and the suiters of the same County then and there being, had caused to be assessed the Village of *Chalgrave* to a certain summe for the expences of the Knights for the Parliament of our Lord the King at *Reading* (such a day and year) held yet the aforesaid *T.* little weighing the Statute aforesaid, more Money of the Village of *C.* aforesaid, then it was assessed unto against the manner and form of the assessement made upon it, caused to be levied in the contempt of our said Lord the King that now is, & against the form of the Statute aforesaid &c. That he make known to the aforesaid *T. S.* that he be here at this day from the day of *Saint Hilary* in 15 dayes, to answer as well our Lord the King, as the aforesaid *I. Broughton*, who prosecutes as well for our Lord the King, as for himself on this behalf, wherefore 20 l. to him the Lord the King, and 10 l. to the aforesaid *I. B.* he ought not to forfeit, according to the form of the Statute aforesaid. And now here at this day came as well the aforesaid *I. B.* by *R. H.* his Attorney, as the aforesaid *T. S.* by *T. C.* his Attorney, and the Sherif now returns that he had made known to him the said *T. S.* of being here at this day to answer in form aforesaid by *W. R.* and *I. R.* honest men &c. And upon this day is given as well to the aforesaid *I. B.* as to the aforesaid *T. S.* here from the day of *Easter*, in 15 dayes, having to the same parties their pleas, exceptions and advantages to the Writ aforesaid &c.

The entry of a
Sire facias in
debt, against the
heir, and judg-
ment thereupon
Pal. 34 Hen. 8.
Rot. 552.
Mich. 24
and 25.
Rot. 13, 47.

IT was commanded to the Sherif, Whereas *H. Brown*, one of the Serjeants at Law of the Lord the King, and *T. L. Clark*, Executors of the Testament of *William Compton* Knight, lately in the Court of the King, here to wit, the Term of *Saint Hilary*, in the year &c. before *I. B.* Knight, and his Companions, then Justices of our said Lord the King at *Westminster*, by consideration of the same Court recovered against *G. Earl of Huntingdon*, as well a certain debt of 400 l. as &c. whereof he is convict, as by the Record &c. yet Execution &c. rests to be made, and as well the aforesaid *T. L.* as the

the aforesaid Earl are dead: And the aforesaid *H.* after the Judgment aforesaid, in the same Court here rendred, took upon him the order of Knight-hood: And also our Lord the King, after the Judgment aforesaid, by the Letters Pattens of him the said Lord the King Constituted, the aforesaid *H.* one of the Justices of him the said Lord the King, of his Bench, and the same *H.* the office of a Justice of the Bench aforesaid, now occupies and exercises as by the information &c. And because &c. that by honest and lawfull men &c. you make known to *Francis*, now Earl of *Huntingdon*, (son and heir of the aforesaid *G.* lately Earl of *H.*) now holding all the Lands and Tenements which were the aforesaid *G.* late Earl of *H.* in fee simple at the time of the Judgment aforesaid rendred, that he be here at this day, to wit in eight dayes of *Saint Hillary* to shew if any thing &c. wherefore the aforesaid 400*l.* of the Lands and Tenements which were the aforesaid *G.* late Earl of *H.* in Fee simple at the time of the Judgment aforesaid rendred in the Bayliwick of the aforesaid Sherif, being in the seisin of him the said *F.* now Earl of *H.* ought not to be made, and rendred to the aforesaid *H.* according to the form of the Recovery aforesaid, if &c. And now here at this day came the aforesaid *H.* in his proper person, and offered himself the fourth day against the said now Earl of *H.* of the aforesaid Plea. And he solemnly called, came not: And the Sherif now returns, that the aforesaid *F.* now Earl of *H.* hath nothing &c. nor is found &c. therefore as formerly it is commanded the same Sherif, that he make known to the aforesaid now Earl, that he be here such a return, to shew in form aforesaid &c. And now here at this day came the aforesaid *H.* in his proper person, and offered himself the fourth day against the said now Earl of the aforesaid Plea, And he solemnly called, came not. And the Sherif now returns, that the aforesaid *F.* now Earl, hath nothing &c. nor is found &c. Therefore it is considered, that the aforesaid *H.* have Execution against the aforesaid now Earl of the aforesaid 400*l.* of the Lands and Tenements which were the aforesaid *G.* late Earl of *H.* in fee simple at the time of the Judgment aforesaid, rendred in the seisin of him the said *F.* now Earl of *H.* being to be levied by default &c.

Greeting. Whereas *R.* in our Court &c. had recovered against *E. P.* as well his seisin of 6 bayes, parcell of one Messuage called a Tile-house in *S.* as 18*l.* which to him the said *R.* in our said Court, were adjudged for his treble damages, which he sustained by occasion of a certain waste by the aforesaid *E.* of the aforesaid six bayes made, to the disinheriance of him the said *R.* and against the form of the provision in that behalf published and provided, as by the Record &c. wherefore the aforesaid *R.* Execution and seisin of the aforesaid six bayes, as also Execution of the damages aforesaid, ought

Scire facias
in wast.

not to have according to the form of the recovery aforesaid, if, &c.

*Nichil dicit
in Scire facias.
Trin. 1 Hen. 8.
Rot. 10.*

AND the same Defendant sayes nothing in bar, or retardation of the Execution aforesaid, by which he the said Plaintiff should remain against the aforesaid Defendant thereupon undefended: Therefore it is considered, that the aforesaid plaintiff have Execution against the aforesaid defendant of the debt and damages aforesaid &c.

*Judgment up-
on a Scire facias,
upon Recognizance a-
gainst an heir.
Trin. 1 Edw. 6.
Rot. 345.*

AT which day here came the aforesaid *G. Foster* in his proper person, and the aforesaid *J. W.* the fourth day of the Plea, being solemnly called, came not, but made default. And the Sheriff now returns that he hath nothing &c. nor is found &c. Therefore it is considered, that the aforesaid *G.* have Execution against the aforesaid *J.* of the aforesaid 100 marks of the Lands and Tenements which were the aforesaid *J. W.* the time of the Recognizance acknowledged and taken, or at any time after in the hands of the aforesaid *J.* being. And upon this, the same *G.* chooseth to have delivered unto him the Moiety of all the Lands and Tenements which were the aforesaid *J. W.* the time of the Recognizance aforesaid acknowledged and taken, or at any time afterwards in the County of *L.* according to the form of the Statute thereupon published and provided, untill the aforesaid 100 markes shall be thereof levied: And prayes the Writ of our Lord the King that now is to the Sherif of the aforesaid County of *L.* to be directed: and it is granted unto him returnable here (such a return.)

*Scire Facias,
against a Sherif
for to have Ex-
ecution against
him for debt
and damages
by him l. yed
by value of
Execution.
Hil. 24 Eliz.
Rot. 139.
Pas. 11 Jac.
Rot. 1313.*

COMMAND was to the Sherif: Whereas lately it was commanded to the Sherif of *Devon*, that of the Lands and Chattels of *E. H.* in his Bayliwick he should cause to be made as well a certain debt of 2 100 *l.* which *E. T.* and *H. T.* in the Court of the Queen here, have recovered against him, as 5 *l.* which &c. And that he should have that mony here (such a return) to render &c. At which said (return) here came the aforesaid *C.* and *H.* by *G. C.* their Attorney. And the Sherif, to wit *J. E.* Knight, then Sherif of the aforesaid County of *Devon* returned here the Writ aforesaid to him thereupon directed, that is to say, that the same Sherif, by vertue of the Writ aforesaid (such a day and year) took of the Cattell of the aforesaid *E. H.* ten Cowes, one Bull, and six Oxen of the price of 25 *l.* 6 *s.* and 8 *d.* which said Cowes, Bull, and Oxen then remained in the hands of the then Sherif unsold for want of buyers, by which he could not have here that money according to the form of that Writ. And the same then Sherif further certified then to the Justices here, that the aforesaid *E.* had no other, or more Lands or Chattels then in his Bayliwick,

liwick, whereof he could cause to be made the residue of the debt and damages aforesaid, according to the form of that Writ: upon which it was then commanded to the aforesaid Sherif of the aforesaid County of *D.* that those Goods and Chattels of the aforesaid *E.* to the value of 25 *l.* 6 *s.* and 8 *d.* he should put to sale: And that money there- of coming, he should have here on the morrow, of *All Souls* then next following, to render the aforesaid *E.* and *H.* of the debt and damages aforesaid. It was also commanded to him the then Sherif, as otherwise to him the Sherif it had been commanded to him the said Sherif, that of the Lands and Chattels of the aforesaid *E. H.* in his Bayliwick he should cause to be made 64 *l.* 13 *s.* and 4 *d.* residue of the aforesaid debt of 100 *l.* as the aforesaid 5 *l.* of the damages aforesaid; and that he should have that money here at the aforesaid morrow of *All Souls*, to render the aforesaid *E.* and *H.* of the debt and damages aforesaid, whereof he was convict. At which said morrow of *All Souls* here came the aforesaid *E.* and *H.* And the aforesaid *I. E.* then Sherif of the aforesaid County of *D.* returned the Writ aforesaid to him thereupon directed, that the aforesaid goods and chattels he had sold, and had the money here at the aforesaid morrow of *All Souls*, according to the form of that Writ: And the same then Sherif further to the Justices here then certified, that the aforesaid *E.* had no other Lands or Chattels in his Bayliwick, whereof the residue of the debt and damages aforesaid, or any parcel thereof he could cause to be made, which said 25 *l.* 6 *s.* and 8 *d.* the same Sherif of the aforesaid County of *D.* at the aforesaid morrow of *All Souls*, had not to render to the aforesaid *E.* and *H.* in form aforesaid, nor to them the said *E.* and *H.* the same 25 *l.* 6 *s.* 8 *d.* hitherto in any manner hath paid or contented, as by the information of the aforesaid *E.* and *H.* the Queen had received. And because &c. that by honest men &c. he cause to be known to the aforesaid *I. E.* that he be here at this day, to wit in eight dayes of the Purification &c. to shew if any thing &c. wherefore the aforesaid *E.* and *H.* Executors against him of the aforesaid 25 *l.* 6 *s.* and 8 *d.* by him the said *I. E.* in form aforesaid levied, ought not to have, if &c.

Note the party may in this case, if he will, have a Distringas nuper vice-count, to render the money levied, but it is the longer course, and with this agrees 9 Edw. 4. fol. 15. title Execution.

Scire Facias, by a stranger to the first Judgment to discharge the Money of the Tenements at- tached by way of extent by Eleger. Easter 24 Eliz.

Greeting. Whereas lately in our Court, to wit in the Term of *Michael* in the year &c. before *J. D.* Knight, and his Companions &c. at *Westminster*; it was considered, that *E. Allen* should have Execution against *I. P.* lately of &c. as well of a certain debt of 40 *l.* which the same *E.* otherwise to wit in the Term of *S. Michael* in the 21. and 22 year of our Raign, in our same Court, by the con-

Elegit.

Mandavi
Bailivo.

Non omittas.

Nichil.
Alias non omittas.

Inquisition

consideration of the same Court had recovered against him, as 88s. which &c. whereof he was convicted, and the aforesaid *E.* afterwards, to wit (such a day and year) came unto our said Court, and by the Statute thereupon provided those to have delivered unto him, all the Goods and Chattels of the aforesaid *I.* besides &c. fully levied, and prays a Writ thereupon then to the Sherif of your County, to be directed, which was granted unto him, by which our said Writ was then commanded the sherif of your County, that all the Goods and Chattels &c. (as in an *Elegit*) untill the debt and damages aforesaid he had thereupon levied: And whereupon, it was considered in our said Court, those the aforesaid *E.* should have Execution against the aforesaid *I.* by default. And in what manner the aforesaid then sherif should have executed that our precept, he should make appear to our Justices at *Westminster* (such a return) then next following. At which day before the aforesaid *I. D.* and his Companions, then our Justices of the aforesaid Bench at *W.* aforesaid came the aforesaid *E.* by *R. B.* then his Attorney: And the sherif, to wit *A. H.* Knight, then to our Justices at *Westminster* returned, that by virtue of the Writ aforesaid to him directed, he commanded the Mayor of our Town of *Lynn Regis*, who hath full return and Execution of all Writs and precepts within the liberty of the Town aforesaid, within which said liberty, the Execution of that Writ did wholly remain to be made, because Execution thereof elsewhere without the liberty of the Town aforesaid he could not make, which said Mayor gave unto him no answer: Upon which, by our other Writ, the then Sherif of *M.* was commanded that he should not omit for any liberty of the Town aforesaid, but all the Goods and Chattels of the aforesaid *I.* besides the Oxen and Cattell of his Plough, and in like manner the moiety of all his Lands and Tenements in his Bayliwick, of which the aforesaid *I.* the aforesaid day of rendering the Judgement aforesaid was seized, to the aforesaid *E.* without delay he should cause to be delivered by reasonable price and extent, To be held &c. And in what manner &c. (such a return then next following, at which day before *E. A.* Knight, and his Companions &c. came the aforesaid *E. A.* by his Attorney aforesaid: And the sherif did nothing thereupon: Therefore as formerly, by command of the Court aforesaid, another Writ was made unto him in form aforesaid, returnable before our Justices at *Westminster* (such a day then next following) At which day before, the aforesaid *E. A.* and his companions &c. came the aforesaid *E. A.* by his Attorney aforesaid, and the sherif, to wit, *E. H.* then there returned a certain inquisition before him (such a day and year) at *L.* in your County, by the Oath of twelve honest and lawfull men of your County taken, by which it was found that the aforesaid *I. P.* was seized of, and in four Messuages, lying together in a certain street in *Lynn Regis*, in the aforesaid County

County of *N.* which *D.* holdeth of the annuall value of *5l.* in all issues above reprises : And that the aforesaid *I.* had no goods or Chattels, or more Lands or Tenements in his Bayliwick in the aforesaid eight dayes of Saint *Michael* (such a year aforesaid, or at any time afterwards : The same then Sherif also returned, that he afterwards, to wit, the same such a day and year aforesaid, that is to say, one capitall Messuage called *Pargitor* house, with the appurtenances lying in the aforesaid street called *P.* in the Town of *Lynn Regis* aforesaid of the annual value of *50s.* in all issues above reprises to the aforesaid *E.A.* he hath caused to be delivered by reasonable price and extent aforesaid ; to hold to him and his assignes as his free-hold according to the form of the Statute aforesaid, untill the debt and damages aforesaid thereof he had levyed, as by the Record and processe thereupon in our Court, before our Justices at *Westminster*, residing it manifestly appears. And that the aforesaid capitall Messuage called *P.* by the aforesaid Sherif, to the aforesaid *E.A.* in form aforesaid delivered, and the aforesaid four Messuages, with the appurtenances in the inquisition aforesaid; above specified are one and the same Tenement, and not other or diverse. And the aforesaid *I. P.* after the judgment aforesaid, in form aforesaid rendred, and before the taking of the inquisition aforesaid of the same capitall Messuage, with the appurtenances, did Enfeoffe one *E. G.* Esquire, as by the information of the same *H.* we have received : We command you, that by honest &c. you make known to the aforesaid *E.A.* that he be before &c. to shew wherefore the Moyety of the said capitall Messuage discharged of the debt and damages aforesaid to the said *H.* ought not to be delivered : And that you have there then the names &c. And this writ witnesse &c.

IT was commanded the Sherif, whereas *R. W.* lately of &c. and *I.R.R.* of the Parish &c. lately in the Court of the Queen, here to wit, in the Term of Saint *Hilary*, in (such a year) before *E. A.* Knight, and his companions, Justices of our Lady the Queen, of the Bench here, undertook, and each of them undertook for *I. R.* lately of *L.* Gentleman, in *40l.* and the same *I.* then and there present in the same Court here for himself assumed for himself in *80l.* that if it should happen, the aforesaid *I.* in a certain Plea of debt upon demand of *40l.* against him by one *J. F.* in the same Court of the Queen here, there prosecuted in any lawfull manner, to be convicted, and judgment for the same *J. F.* against the aforesaid *J. R.* in the same Court here to be rendred, that then the same *J. R.* the aforesaid debt of *40l.* as also all the damages to him the said *J. F.* by occasion of the detention of the debt aforesaid, against the same *J. R.* in the Court of the Queen here to be assessed, or in any manner to be adjudged would satisfy, or that the aforesaid *J. R.* his body in Execution of that

Scire Facias
against manu-
captors. Trin.
the 15 Eliz.
Ret. 3^e.

that judgment in the same Court here would render ; which said 4*cl.* the aforesaid *W.* and *R.* acknowledged, and either of them acknowledged of their Lands and Chattels, and of either of them to be made, and which said 8*ol.* the aforesaid *J. R.* acknowledged of his Lands and Chattels to be made, and to the use and behoof of the aforesaid *J. F.* to be levied, if it should happen the said *J. R.* against the undertaking aforesaid in any manner to make default. And although the aforesaid *J. F.* from the day of *Easter*, in fifteen days (such a year) before the aforesaid *E. A.* Knight, and his Companions, then Justices of our Lady the Queen, of the Bench here, by the consideration of the same Court, had recovered against the aforesaid *J. R.* as well the aforesaid 4*ol.* as 4*os.* which to him the said *J. F.* in the same Court here, were adjudged for his damages, which he had by occasion of the detention of that debt whereof he is convicted, as by the Record, &c. yet the aforesaid *J. R.* him the said *J. F.* the debt and damages aforesaid hath not as yet satisfied, nor in no wise rendred his body in Execution for the same debt and damages in the same Court here, according to the form and effect of the Recognizance aforesaid, as by the information &c.

Otherwise for
an Execution.

AND the aforesaid plaintiff, after Judgment aforesaid rendred, is dead, as by the information of *G. R.* Executor of the Testament of the aforesaid *W.* the King had received, yet the aforesaid *H.* to the aforesaid *W.* in his life time, or to him the said *W.* of the debt and damages aforesaid, he hath not satisfied, nor rendred his body in Execution for the same debt and damages in the same Court of the Queen here, according to the form and effect of the Recognizance aforesaid &c.

Scire Facias
against Mann-
captors upon a
writ of pluri-
villege. Hil.
2 Jac. Rot.
226.

Otherwise, as it appears in the Term of Saint *Michael*, in the second year of the Raign of our Lord the King that now is, Rot. 1857 it is thus contained, *London* It was commanded the Sherif, whereas *W. H.* Gentleman, *R. H.* of &c. and *W. A.* of &c. otherwise to wit, (such day and year) before *W. D.* Knight, one of the Justices of our said Lord the King, of his Bench at his Chamber situate in Serjeants Inne in *Chancery lane London*, undertook, and every of them undertook, that is to say, the aforesaid *W. H.* in the summe &c. and the aforesaid *R.* and *W. A.* in the summe &c. that he the said *W. H.* should appear here in the Court in his proper person, or by his Attorney sufficient in Law to an Action or Writ of one *R. S.* against him the said *W. H.* of and upon an action of debt, upon demand of 7*ol.* before the morrow of the holy Trinity, then next to come, to be brought, and in the same Court here to be prosecuted, and to answer to him the said *R. S.* in the same plaint, as also it should happen judgment after the appearance of the said *W. H.* in the same Court here,

to be had in the same plaint for him the said R. S. against him the said W. H. to be rendred to satisfie him the said R. S. of the debt and damages for him the said R. against him the said W. H. in the same Court here in the plea aforesaid to be recovered, or adjudged, or that he the same W. H. himself to the prison of our Lord the King of the Fleet, upon that occasion should render, which said summe &c. the aforesaid W. H. acknowledged of his Lands and Chattels, and which said summe &c. each of the Manucaptors aforesaid, each of the Manucaptors aforesaid acknowledged to be made of his Lands and Chattels, and to the use and behoof of the aforesaid R. S. to be levied in form aforesaid, if it should happen him the said W. H. in any of the premises to make default, and thereof in lawfull manner to be convicted, which said Recognizance in form aforesaid taken, the aforesaid Justice afterwards, to wit (such a day) then next following in the same Court here, to wit at *Westminster*, by his own proper hands delivered here in Court of Record, to be inrolled: And now here before the same Justice, and his Companions, Justices of our said Lord the King, of the Bench aforesaid, in the same Term of Easter stands inrolled; of which said plea of debt, a certain plaint before that time was levied in the Court of our Lord the King that now is before T. B. Knight, Mayor, and the Aldermen of the City of *London*, and W. T. and R. M. then being Sheriffs of the same City: And that plaint, by the Writ of the said Lord the King, of his command before the aforesaid Justice, at his Chamber aforesaid, was sent and had as by the Record and Processe thereupon in the same Court here residing it may manifestly appear: And although the same R. before the aforesaid morrow of the holy Trinity, to wit (such a day and year) a certain originall Writ of the said Lord the King of the aforesaid plea of debt, against the aforesaid W. H. in the Court of *Chancery* of our said Lord the King at *Westminster* aforesaid, then being before the Justices here (such a return) then next following returnable and returned hath sued out: And the same W. H. at the same (return) by A. H. his Attorney, to the aforesaid writ of the aforesaid debt by him the said R. against the said W. R. in form aforesaid sued forth, according to the form of the Recognizance aforesaid appeared: And afterwards, to wit, on the morrow of the holy Trinity then next following the aforesaid W. H. as well in the aforesaid summe of 40*l.* as in &c. which to him the said R. in the same Court of the King here were adjudged for his damages which he had by occasion of the detention of that debt whereof he was convict: And judgment thereupon against the aforesaid W. H. for him the said R. in the same plea in the same Court here stands rendred, as by the record and processe thereupon in the same Court here, in like manner residing, it manifestly appears, the aforesaid W. H. his body in execution of the Judgment aforesaid in

Scire Facias
for two, and
Non est in-
ventus for the
third.

Imparance.

Non informa-
tion for two,
and a Remitti-
tur for the
third.

the same Court here at the aforesaid morrow of the holy Trinity, he hath not rendred, nor satisfied him the said R. of the debt and damages aforesaid, as by the information of the aforesaid R. the King had received: And because &c. wherefore the aforesaid &c. by him the said W. H. inform aforesaid acknowledged of his Lands and Chattels, and the aforesaid &c. by them the said R. and *VV. A.* severally in form aforesaid acknowledged of their Lands and Chattels, and of every of them in his Bayliwick to be made, and to the aforesaid R. ought not to be rendred according to the form of the Recognizance aforesaid, if &c. And now here at this day came as well the aforesaid R. by *E. L.* his Attorney as the aforesaid R. and *VV. A.* by *T. E.* their Attorney, and the aforesaid *VV. H.* although oftencalled, came not, and the Sherif now returns that he hath made known to the said R. H. and W. A. of being here at this day to shew it in form aforesaid by *T. R.* and *M. E.* honest men &c. and that the aforesaid W. H. hath nothing &c. nor is found &c. Therefore as formerly, command is given to the Sherif, that by honest men &c. he make known to the aforesaid W. H. that he be here (such a return) to shew in form aforesaid &c. And upon this the same R. prayes Execution against the aforesaid R. and *VV. A.* of the aforesaid &c. by each of them in form aforesaid acknowledged to be adjudged unto him. And the aforesaid R. H. and W. A. pray leave to imparl here untill the aforesaid eight dayes of Saint Hilary: And they have it &c. the same day is given to the aforesaid R. S. here &c. At which day here came as well the aforesaid R. S. as the aforesaid R. H. and W. A. by their Attorney aforesaid: And upon this the aforesaid R. S. prayes Execution against the aforesaid R. H. and W. A. of the aforesaid &c. by them in form aforesaid severally acknowledged to be adjudged unto him &c.

And the aforesaid Attorney of the aforesaid R. H. and *W. A.* sayes, that he is not informed by them the said R. H. and *W. A.* his Masters of any answer for them the said R. H. and *W. A.* to the aforesaid R. S. in delay of the Execution of the judgment aforesaid to be given, and nothing other; they thereupon say, by which the same R. S. should remain against the aforesaid R. H. and *W. A.* thereupon undefended: Therefore it is considered, that the aforesaid R. S. have Execution against the aforesaid R. H. and *W. A.* of the aforesaid &c. by every of them severally in form aforesaid acknowledged &c. And as to the aforesaid Writ of *Scire facias*, to the aforesaid *W. H.* the Sheriff did nothing thereupon, nor sent the Writ thereof; and upon this the aforesaid R. S. freely here in Court remits and releases to him the said *W. H.* all Execution, which he may any way have against him the said *W. H.* for the aforesaid &c. by him the said *W. H.* in form aforesaid acknowledged, therefore the same *W. H.* is thereof to be quit, &c.

It was commanded the sheriff, whereas *Simon Bracebridge*, one of the Attornyes, &c. in the Court of the Queen, before the Justices of the said Lady the Queen at *Westminster*, by the Writ of our said Lady the Queen, had impleaded *J. Basterfeld*, R: B: and R: S: Administrators of the Goods and Chattells which were of H. B. who dyed intestate &c. during the minority of *R. B. T. B. and E. B.* Children of the aforesaid H: B: for a certain Debt of a hundred pound which the same S. in the same Court here of the aforesaid *J. R. and R.* as the Administrators of the Goods and Chattells aforesaid did require, And whereas also the aforesaid *J. R. and R.* in the same Court here appearing, the aforesaid R. and R. in barr of the action of the aforesaid S. pleaded that they had fully administred all the goods and chattells which were the aforesaid H. B. at the time of his death, and that they had no Goods or chattells which were the aforesaid H. at the time of his death in their hands to be administred, nor had the day of the issuing forth of the Writ aforesaid, nor at any time after upon which said Plea the same S. and the aforesaid R. and R. pleaded to issue by the countrey in the County aforesaid to be tryed, and in such manner, upon the writ aforesaid it was proceeded in, that by a certain Jury of the County aforesaid thereupon between them impanelled, it was found that the aforesaid R. and R. the day of the obtaining the writ aforesaid had diverse Goods and chattells which were the aforesaid H. at the time of his death in their hands to be administred to the value of sixty six pounds, whereof the aforesaid S. of the debt aforesaid, they might have satisfied, that is to say, at S. in the county aforesaid, and whereas the same S. afterwards in the same Court here, to wit in the Term of saint *Hillary* (such a year) before *E. A.* Knight and his companions then Justices of our said Lady the Queen of the Bench here at *Westminster* by the consideration of the same Court upon the verdict aforesaid had recovered against the aforesaid J. R. and R. the aforesaid sixty 6 l. of his debt aforesaid, of his Goods and chattells which were the aforesaid H. at the time of his death in their hands to be administred, remaining to be levied, as also ten pound and ten pence for his Damages which he had by occasion of the detention of that debt of the same Goods and chattells which were the aforesaid H. at the time of his death in the hands of them the said J. R. and R. being to be administred if they have so much thereof in their hands, if they have not then the damages aforesaid, of the proper Goods and Chattells of the aforesaid J. R. and R. to be levied, whereof they are convict, as by the Record and processe thereupon in the Court of the Queen here, before our Justices residing, manifestly appears: And after the Judgment aforesaid in form aforesaid, rendred Goods and chattells which were the aforesaid H. at the time of his death to the value of thirty foure pound,

Scire Facias,
against an Ad-
ministrator du-
ring the Min-
ority of an Exe-
cutor dead for
assets after
judgment.
Trin. 29. E-
lix. Rot. 2213

pound, residue of the aforesaid debt of the aforesaid S. of a hundred pound to the hands and possession of the aforesaid J. R. and R. came to be administred, and in the hands and possession of them the said J. R. and R. now remain to be administred, whereof to him the said S. of the aforesaid residue of his Debt aforesaid, they may be able to satisfie, as by the information of the aforesaid S. the Queen had received; And because, &c. That by honest men, &c. Hee make knownto the aforesaid J. R. and R. that they be here at this day, to wit, on the morrow of the holy Trinity, to shew if any thing, &c. wherefore the aforesaid, S. Execution against them of the aforesaid residue of his debt aforesaid of the Goods and Chattells which were the aforesaid H. at the time of his death, being in the hands of them the said J. R. and R. to be administred, ought not to have, if &c. And now here at this day came as well the aforesaid S. in his proper person, as the aforesaid J. R. and R. by C. L. their Attorney: And the Sheriff now returns, that he hath made known to the aforesaid R. of being here at this day, to shew in Form aforesaid, by W. P. and C. L. honest men &c. and that the aforesaid J. and R. B. have nothing, &c. nor are found, &c. And upon this the aforesaid S. sayes, that after the judgment aforesaid in form aforesaid, rendred Goods and Chattells which were the aforesaid H. at the time of his death, to the value of the aforesaid thirty four pound, residue of his Debt aforesaid, to the hands of the aforesaid J. R. and R. came, and in their hands now remain to be administred, and prayes Execution against the aforesaid J. R. and R. of the aforesaid residue of his debt aforesaid, of the same Goods and Chattells which were the aforesaid H. at the time of his death, being in the hands of them the said J. R. and R. to be levied, and to him to be adjudged, &c.

And the aforesaid J. R. and R. saving to themselves all, and all manner of Exceptions, &c. (an especiall imparlance) and afterwards Hillary 30 Eliz. rotulo 1504. the Defendants say, that after the Judgment aforesaid rendred, and before the day of the issuing forth of the Writ aforesaid of *scire facias*, (to wit such a day and year) no Goods or Chattells which were the aforesaid H. at the time of his death, to the hands and possession of the aforesaid J. R. and R. ever came, as the aforesaid Plaintiff, &c. and of this they put themselves upon the Countrey, &c.

Scire facias
upon a iudgement
in dower.
Mich 29. &
30. Eliz. rot.
1713.

Command was given to the Sheriff, whereas I. Calton, and E. his Wife, lately in the Court of the Queen here, to wit in the term of Easter, (such a year) before &c: by the consideration of the same Court, had recovered their Seisin against E. Turrell Esquire, of the third part of the Mannors of W. &c. as the Dowry of her the said

said *E.* of the Endowment of *R. T.* Esquire, in times past her husband, as by the record and the proceſſe thereupon reſiding in the Court of the Queen here it manifeſtly appears, yet Execution of the judgment aforeſaid as yet reſts to be made: And the aforeſaid *I.* is dead, as by the information of the aforeſaid *E.* the Queen had received: And becauſe, &c. that by honeſt men, &c. he make known unto the aforeſaid *E. T.* that he be here at this Day, to wit, (ſuch a return) to ſhew, &c. wherefore the aforeſaid *E. C.* Execution and ſeiſin of the third part aforeſaid ought not to have againſt him according to the Form of the recovery aforeſaid, if, &c. And now here at this day came the aforeſaid *E. C.* by *D. L.* her Attorney, and offered her ſelf the fourth day againſt the aforeſaid *E. T.* of the aforeſaid plea, and he ſolemnly called, came not, and the Sheriff now returned, that he made known to the aforeſaid *E. T.* of being here at this day to ſhew in Form aforeſaid, by *T. R.* and *M. L.* honeſt men &c. Therefore it is conſidered, that the aforeſaid *E. C.* ſhall have Execution and ſeiſin againſt the aforeſaid *E. T.* of the third part aforeſaid with the appurtenances by Default &c. And upon this the aforeſaid *E. C.* ſayes, that the aforeſaid *R.* in time paſt her husband, died ſeized of the Mannor &c. and ſix acres of meadow aforeſaid with the appurtenances in his Demefne as of Fee, and prayes the Writ of our Lady the Queen, as well to cauſe her to have full ſeiſin of the third part aforeſaid with the appurtenances, as of inquiring of Damages, &c. And it is granted unto her returnable here (ſuch a return) &c. At which day here came the aforeſaid *E. C.* by her Attorney aforeſaid, and the Sheriff, to wit *J. P.* Esquire, now returns that he by vertue of the Writ aforeſaid to him directed (ſuch a Day laſt paſt) had cauſed to be had to the aforeſaid *E. C.* of &c: parcell of the Tenements in the writ aforeſaid ſpecified, to be held to her the ſaid *E. C.* in ſeveralty, by metes and bounds, And that the ſame ſixty acres with the appurtenances, were the third part of the Mannor &c: and ſix acres of meadow with the appurtenances in the writ aforeſaid ſpecified: and the ſame Sheriff returned, alſo a certain inquiſition before him (ſuch a Day and year) taken, by which, &c.

Averment after the Scire facias that the husband died seized.

A writ of eiſin and inquiry.

W Hereas *W. H.* of &c: Esquire (ſuch a Day and Year) before *F. Vindham*, one of our Juſtices of the Bench at the City of *N.* in the County of the City of *N.* acknowledged himſelfe to owe unto *J. L.* Esquire and *S. L.* Gentleman, Son of the aforeſaid *J.* three thouſand pound, of lawfull money of England, which he ought to have paid him on the Feaſt of Saint Michael then next following, which aid recognizance the aforeſaid juſtice the twenty ſixth day of January, in the Term of Saint Michael (ſuch a year in our Court of Bench aforeſaid, by his own proper hands delivered here of record to be inrolled, and here before *J. D.* Knight, and his companions, then our Juſtices

Sci. fac. recognizance in the County where the Defendant dwells.

Justices of the Bench aforesaid, in the same Term Rot. 439. Rands inrolled, which said 3000*l.* the aforesaid *W.* hath not as yet paid to the aforesaid *J.* and *S.* as by the Information, &c. And because, &c. wherefore the aforesaid 3000*l.* of his Lands and Chattels in your Bayliwick ought not to be made and rendred to the aforesaid *J.* and *S.* according to the form of the Recognizance aforesaid, if, &c.

Scire facias against Ter-tenants, and allege that the defendant died seised.

SCi. fac. against Ter-tenants, and an Allegation that the Defendant *S.* is dead, and died seized of diverse Lands and Tenements in his Demesne as of Fee, in the County aforesaid, as by the Information, &c. And because, &c. he make known to the Tenants of the Lands and Tenements which where the aforesaid *N.* on (such a Return, such a year, &c.) on which day the Judgment thereupon was rendred, or at any time afterwards that they be here (such a Return) to shew, &c. which, &c. ought not to be made of those Lands and Tenements, and rendred to the aforesaid *T.* according to the form of the Recovery aforesaid, if, &c. And now here at this day came the aforesaid *T.* by *L. R.* his Attorney, and the Sheriff to wit *VV. S.* Esquire, now returned that he, &c. by *A.* and *B.* honest men, &c. had made known to the Tenants of the Lands and Tenements which were the aforesaid *N.* (such a day) on which day the Judgment aforesaid was rendred, or at any time after, that is to say, to *VV. M.* Tenant of one Messuage, with the Appurtenances in *S.* in the County aforesaid, *H. P.* Tenant of one Messuage, &c. that they be here at this day, to shew in form aforesaid; Upon which the aforesaid *VV.* and *H.* the fourth day of the Plea, being solemnly called came not; Therefore it is considered, &c.

Sci. fac. against Manucaptors, where the plaintiff prosecutes not his writ of audita querela.

Greeting. Whereas of the grievous complaint of *M. R.* lately of *G. L.* Gentleman, we have received, that whereas *R. L.* lately in our Court before our Justices at *Westminster*, by the consideration of the same Court, had recovered against him the said *M.* 500*l.* of Debt, as also 14*l.* 13*s.* and 4*d.* for his Damages which he had sustained, as well by occasion of the detention of that Debt, as for his charges and costs by him about his Suit in that behalfe laid out. And although the same *M.* in Execution for the Debt and Damages aforesaid, by vertue of our certain Writ thereupon, to our Sheriffs of *London* directed, by *R. M.* and *VV. VV.* then Sheriffs of the City aforesaid, at the Suit of the aforesaid *R.* at *London* aforesaid, was taken and imprisoned, and after he was so taken and imprisoned, by the same Sheriffs out of Prison at large, whithersoever he would go he was permitted, and delivered from the Execution aforesaid, as the same *J. M.* by wraies and meanes convenient is ready to shew: Yet the aforesaid *R.* Execution against him of the Debt and Damages aforesaid, by occasion of the Recovery then had, prosecuted too late

late most unjustly to his the said *L.* no small losse and grievance; whereupon he had humbly supplicated us to provide for him on that behalfe a fit remedy, and because we will not that he the said *M.* should be injured in that behalfe, in any manner willing to do thereupon what is just; We command our Justices at *Westminster*, that hearing the complaint of him the said *M.* and calling before you the parties aforesaid, and having heard here thereupon their reasons, to him the said *M.* you should cause to be done full and speedy Justice, as of right, and according to the Law and Custome of our Realme of *England* should be done. And afterwards, to wit (such a day and yeare) *R. H.* of, &c. *J. P.* of, &c. *R. B.* of, &c. and *T. R.* of, &c. in their proper persons came into our Court before, &c. and undertook for the aforesaid *M.* that is to say, every of them in so much, &c. which every of them acknowledged of his Lands and Chattels, to the use and behoofe of the aforesaid *R. L.* to be made and levied, if it should happen the aforesaid *M.* should not prosecute the Writ aforesaid with effect, or at any day of Plea thereupon to make default, or if Judgment thereupon against the aforesaid *M.* should be rendred, and he not render himselfe to our Prison of the Fleet, in the same to remain natill he had fully satisfied the aforesaid *R. L.* of the Debt and Damages aforesaid; yet the aforesaid *M.* the aforesaid Writ of *Andisa querela* with effect hath not prosecuted, as by the information of the aforesaid *R.* we have received: And because, &c. we command you, as otherwise we commanded you, that by honest men, &c. you make known to the aforesaid *R. L.* *R.* and *T.* that they be before, &c. to shew if they have any thing for themselves, or know to speak, wherefore the aforesaid Summ, &c. of the Lands and Chattels of every of them, severally in form aforesaid acknowledged in your Bayliwick, ought not to be made and rendred to to the aforesaid *R.* according to the form of the Recognizance aforesaid, if, &c.

WHereas *A. B.* lately, &c. had recovered against *C. D.* as well a certain Debt, &c. as, &c. and the aforesaid Defendant is dead, and at the said time that the Judgment aforesaid was rendred, was seised of one Messuage in *D.* in the County aforesaid, in his Demesne as of Fee, as, &c. *Sci. fac. A.* who now holds those Tenements, that he be, &c. The Ter-tenant appeares and confesseth that at the time of the Judgment, the Defendant was seised of Land in Fee; but further he saith, that after the Defendant became obliged in the Court of Wards unto the Queen, and the Land extended, and avers that the Land mentioned in the *Scire facias*, was parcell of the Lands and Tenements of the aforesaid *C.* in *D.* aforesaid, in the Inquisition aforesaid above specified, and the Issue was, that it was not parcell, and tried for the Plaintiff, and an *Elegit* awarded, and a *Liberate*.

Scire facias against Ter-tenant, and the issue was that the Land was parcell of Land extended to the use of the queen Mich. 22. and 23. Eliz. Rot. 1650.

Parker

Mich. 33. & 4.
Eliz. rot. 304.

PARKER against Parker, *Sci. fac.* against Executors, upon Judgment given against the Testator, the Defendant pleads a Recognizance acknowledged by the Testator in his life time, to our Lady the Queen, and no Assets beyond that; and the matter of Plea was adjudged good, for the Queen shall be preferred before a common person, but the Judgment was given against the Defendant for his ill pleading.

Trin. 1 Eliz.
Rot. 620.

Scire facias against an Administrator, upon a Judgment given against the Intestate; the Defendant pleads that he had fully administered, &c. nor had any Goods at the day of the obtaining of the aforesaid writ of Scire facias, nor at any time afterwards, &c. and a Demurrer upon it, and Judgment that the Plea is nought: See Easter Terme, 39 Eliz. Rot. 1433. The very like Plea, and upon demurrer adjudged bad, between Cordway and Godfrey, for he ought to plead specially, and put matter of Record to avoid Judgment.

Sci. fac. against Executors of executors, upon a surmise that the Executor had wasted the Goods of the Testator after judgment rendered.

Hillary 33 Eliz.
Rot. 612.

Otherwise as it appears in the Term of Saint Michael, in the 32. and 33. yeare of our Lady the Queen that now is, Rot. 168. it is thus contained London ff. Command was to the Sheriff, whereas *VV.* Administrator of the Goods and Chattels which were of *R. R.* who died intestate, &c. lately in the Court of the said Lady the Queen here, to wit in the Term of Saint Michael, in the 27. and 28. yeare of her Reigne, before *E. A.* Knight, and his Companions then Justices of our said Lady the Queen, of the Bench here, to wit at Westminster, by the consideration of the same Court had recovered against *T. S.* lately of, &c. Esquire, and *E.* his Wife, Executrix of the Testament of *J. D.* and *A. D.* lately of, &c. Co-executrix with the aforesaid *E.* of the Testament of the aforesaid *J. D.* Esquire, lately Executor of the Testament of *T. R.* of, &c. Gentleman; as well a certain Debt of 220 *l.* as 8 *l.* which to him the said *VV.* in the same Court of the Queen here were adjudged for his Damages, which he had by occasion of the detention of that Debt, of the Goods and Chattels which were the aforesaid *T. R.* at the time of his Death, in the hands of the aforesaid *T. S. E.* and *A.* being to be levied, if they have so much in their hands, and if they have not, then the Damages aforesaid, of the Goods and Chattels, proper of them the said *T. S. E.* and *A.* to be levied, whereof they are convict; as by the Record, &c. Execution, &c. And the aforesaid *J. D.* in his life time, Goods and Chattels which were the aforesaid *T. R.* at the time of his Death, to the value of the Debt and Damages aforesaid, after the Death of the aforesaid *T. R.* did waste and convert to his proper use, whereby the same *VV.* cannot obtain Execution of the Debt and Damages aforesaid, of the Goods and Chattels of the aforesaid *T. R.*

in the hands of the aforesaid T. S. E. F. and A. according to the form of the Recovery aforesaid : And the aforesaid A. after the Judgment aforesaid rendred, took to Husband one F. P. Gentleman, as by the information of the aforesaid W. the Queen had received : And because, &c. that by honest men, &c. he make known to the aforesaid T. S. E. F. and A. that they be, &c. (such a Return) to shew if any thing, &c. wherefore the aforesaid W. Execution against the aforesaid, T. E. F. and A. of the Debt and Damages aforesaid, of the proper Goods and Chattels which were the aforesaid I. D. at the time of his Death, in the hands of the aforesaid T. E. F. and A. being to be levied, ought not to have, according to the form of the Recovery aforesaid, if, &c. And now here at this day came the aforesaid W. by E. P. his Attorney, and offered himselfe the fourth day against the aforesaid T. E. F. and A. of the aforesaid Plea, and they solemnly called came not : And the Sheriff now returns, that they have nothing, &c. nor are found, &c. Therefore as formerly command was given to the Sheriff, that by honest men, &c. he should make known to the aforesaid T. E. F. and A. that they be here (such a Return then next following) to shew in form aforesaid, if, &c. At which day here came as well the aforesaid W. by his Attorney aforesaid, as the aforesaid T. E. F. and A. by R. M. their Attorney ; and upon this the aforesaid W. saies, that the aforesaid I. D. in his life time (to wit such a day and yeare) at London in the Parish, &c. Goods and Chattels which were the aforesaid T. R. at the time of his Death, to the value of the Debt and Damages aforesaid, did waite and convert to his proper use, whereby the losse, the same W. could obtain Execution of the Debt and Damages aforesaid, of the Goods and Chattels which were the aforesaid T. R. at the time of his Death, in the hands of the aforesaid T. S. E. F. and A. according to the form of the Recovery aforesaid, and praies Execution of the aforesaid T. S. E. F. and A. of the Debt and Damages aforesaid, of the Goods and Chattels which were the aforesaid I. D. at the time of his Death, in the hands of the aforesaid T. E. F. and A. being to be levied, to be adjudged unto him, &c.

AND the aforesaid T. S. E. F. and A. saving to themselves all and all manner of advantages, Exceptions to the Writs aforesaid, praies leave to imparle, &c. and hath it, &c. the same day, &c. And now here at this day, to wit at the aforesaid eight daies of Saint Hillary, came as well the aforesaid W. as the aforesaid T. E. F. and A. by their Attornies aforesaid, and upon this the same W. as formerly saies, that the aforesaid I. D. in his life time, to wit (such a day and yeare) at London, in the Parish, &c. Goods and Chattels which were the aforesaid T. R. at the time of his Death, to the

Especial Impar-
lance.

value of the Debt and Damages aforesaid, did wast and convert to his own proper use, whereby the losse the same *W.* could obtain Execution of the Debt and Damages aforesaid, of the Goods and Chattels which were the aforesaid *T. R.* at the time of his Death, in the hands of the aforesaid *T. S. E. F. & A.* according to the form of the Recovery aforesaid, and praies Execution against the aforesaid *T. S. E. F. and A.* of the Debt and Damages aforesaid, of the proper Goods and Chattels which were the aforesaid *I. D.* at the time of his Death in the hands of the aforesaid *T. S. E. F. and A.* being to be levied, to be adjudged unto him, &c.

And the aforesaid *T. S. E. F. and A.* say, that the aforesaid *VV.* ought not to have Execution against them, of the Debt and Damages aforesaid, of the Goods and Chattels which were the aforesaid *I. D.* in the hands of them the said *T. S. E. F. and A.* being to be levied; because by protestation that the aforesaid Writs of *Scire facias*, in manner and form aforesaid obtained, as also the matter contained in them is sufficient in Law, unto which they have no necessity, nor are tied by the Law of the Land to answer for Plea, they say, that the aforesaid *I. D.* in his life time, Goods and Chattels which were the aforesaid *T. R.* at the time of his Death, to the value of the Debt and Damages aforesaid, did not wast nor convert to his own proper use, as the aforesaid *VV.* by his Writ and Declaration aforesaid above supposeth, and of this, &c.

Scire facias
upon a general
pardon where
the plaintiff af-
ter judgment
had against the
defendant had
made the de-
fendant a ge-
nerall release:
so deny or own
the release and
judgment by
confession
thereupon.
Trin. 7. Jac.
Rol. 118.

Scire facias upon a pardon: And further, it was enacted by Authority of the same Parliament, that the aforesaid generall pardon should not in any thing extend to any person out-lawed upon any writ of *Capias ad satisfaciendum*, untill the person so out-lawed shall have satisfied, or otherwise agreed with the party, at whose suite &c. as &c. And the same *W.* further saith, that the out-lawry aforesaid &c. foreprised &c. And that he is &c. that is to say at *T.* aforesaid, and that after the outlawry aforesaid, on him the said *VV.* in form aforesaid promulged and had, had satisfied the aforesaid *T.* as well of a certain debt &c. as of &c. for which said debt and damages the same *VV.* in form aforesaid remains out-lawed, and the same *T.* afterwards, to wit (such a day and year, and place) by his certain writing of release, which the same *W.* with the seal aforesaid *T.* signed here, brings into Court, whose duty is the same day and year remised, released &c. to him the said *W.* by the name &c. as by the same writing more fully appears: And this he is ready &c. whereupon &c. And that he of the out-lawry aforesaid may be discharged: And because &c. (such a return) to acknowledge, or done his aforesaid writing of release; and further, to do, and receive what the Court of our Lord the King shall consider of him on that behalf: And now here at this day, to wit, at the same three weeks from the holy Trinity,

ny came as well the aforesaid W. by his Attorney aforesaid, as the aforesaid T. in his proper person : And the Sheriff now returns, that he by vertue of that writ to him directed, had made known to the aforesaid T. of being here at this day to acknowledge or deny the writing of Release, by T.P. and R.S: honest men &c: And the same T. saies that he cannot deny, but that the aforesaid writing of release is his Deed &c: Therefore the generall pardon to him the said W: is allowed, and the aforesaid W: is to goe without day &c:

W Hereas E. B: lately &c. had recovered against J. F. as well a certain debt, &c. yet Execution &c. And the aforesaid Defendant is dead, as by &c. And wherefore, &c. to make known to the Tenants of the Lands and Tenements which were the aforesaid Defendants (such a Day and year) on which Day the judgment thereupon was rendred, or at any times afterwards in your Bailiwick that they be before &c. (such a return) to shew what they have for themselves, or know to speake, wherefore the Debt and Damages aforesaid ought not to be made of those Lands and Tenements, and rendred to the aforesaid Plaintiff according to the Form of the recovery aforesaid, if it shall seem expedient unto them. And whereupon our Sheriffs of London otherwise returned to our Justices at Westminster that there are no Tenants, or any Tenant of the Lands or Tenements which were the aforesaid W. at the time of the iudgment aforesaid rendred, or at any time afterwards in his Bailiwick, to which or to whom hemight make known, whereas it is testified in the same Court, that there are divers Tenants of the Lands and Tenements in the County aforesaid which were the aforesaid W. at the time of the Judgment aforesaid rendred, and afterwards, whereof the Debt and Damages aforesaid, may be made and leviad, and that you have, &c.

Sciae facias
against Ter-Tenants.

Scire Facias against J. R. Esquire, Cozen and Heire of I. R. Knight, that is to say, Son and heir of one I. R. son and heir of the aforesaid I. R: and the Tenants of the Lands and Tenements in the County aforesaid, which were the aforesaid I. R. in fee simple &c.

ANd the aforesaid I. R. prayes judgment of the aforesaid Writ of *Scire facias*, because he sayes that the day of the obtaining of the aforesaid writ of *scire facias* to the aforesaid sheriff of C. directed, to wit (such a Day and year) one H. R. was Tenant as of his freehold of one Messuage &c. in B. aforesaid, of which the aforesaid I. R. Knighton the aforesaid Month of Saint Michael (such a year) was seized in his demesne as of fee, and this he is ready to aver; whereupon for that the aforesaid H: Tenant of the same Tenements with the

Scire facias
against Ter-Tenants, and the defendant prays iudgment of the writ, because all the Tenants are not returned.
Tm. 7. Jacobi
rot. 1708.

appurte-

value of the Debt and Damages aforesaid, did waſt and convert to his own proper uſe, whereby the loſſe the ſame *W.* could obtain Execution of the Debt and Damages aforesaid, of the Goods and Chattels which were the aforesaid *T. R.* at the time of his Death, in the hands of the aforesaid *T. S. E. F. & A.* according to the form of the Recovery aforesaid, and praies Execution againſt the aforesaid *T. S. E. F. and A.* of the Debt and Damages aforesaid, of the proper Goods and Chattels which were the aforesaid *I. D.* at the time of his Death in the hands of the aforesaid *T. S. E. F. and A.* being to be levied, to be adjudged unto him, &c.

And the aforesaid *T. S. E. F. and A.* ſay, that the aforesaid *VV.* ought not to have Execution againſt them, of the Debt and Damages aforesaid, of the Goods and Chattels which were the aforesaid *I. D.* in the hands of them the ſaid *T. S. E. F. and A.* being to be levied; becauſe by proteſtation that the aforesaid Writs of *Scire facias*, in manner and form aforesaid obtained, as alſo the matter contained in them is ſufficient in Law, unto which they have no neceſſity, nor are tied by the Law of the Land to answer for Plea, they ſay, that the aforesaid *I. D.* in his life time, Goods and Chattels which were the aforesaid *T. R.* at the time of his Death, to the value of the Debt and Damages aforesaid, did not waſt nor convert to his own proper uſe, as the aforesaid *VV.* by his Writ and Declaration aforesaid above ſuppoſeth, and of this, &c.

Scire facias
upon a general
pardon where
the plaintiff after
judgment
had againſt the
defendant had
made the de-
fendant a ge-
nerall releaſe:
ſo deny or own
the releaſe and
judgment by
confeſſion
thereupon.
Trin. 7. Jac.
Rol. 118.

S*Scire facias* upon a pardon: And further, it was enacted by Authority of the ſame Parliament, that the aforesaid generall pardon ſhould not in any thing extend to any perſon out-lawed upon any writ of *Capias ad ſatisfaciendum*, untill the perſon ſo out-lawed ſhall have ſatiſfied, or otherwiſe agreed with the party, at whoſe ſuite &c. as &c. And the ſame *W.* further ſaith, that the out-lawry aforesaid &c. forepriſed &c. And that he is &c. that is to ſay at *T.* aforesaid, and that after the outlawry aforesaid, on him the ſaid *VV.* in form aforesaid promulged and had, had ſatiſfied the aforesaid *T.* as well of a certain debt &c. as of &c. for which ſaid debt and damages the ſame *VV.* in form aforesaid remains out-lawed, and the ſame *T.* afterwards, to wit (ſuch a day and year, and place) by his certain writing of releaſe, which the ſame *W.* with the ſeal aforesaid *T.* ſigned here, brings into Court, whoſe duty is the ſame day and year remiſed, releaſed &c. to him the ſaid *W.* by the name &c. as by the ſame writing more fully appears: And this he is ready &c. whereupon &c. And that he of the out-lawry aforesaid may be diſcharged: And becauſe &c. (ſuch a return) to acknowledge, or done his aforesaid writing of releaſe; and further, to do, and receive what the Court of our Lord the King ſhall conſider of him on that behalf: And now here at this day, to wit, at the ſame three weeks from the holy Trinity,

nity came as well the aforesaid W. by his Attorney aforesaid, as the aforesaid T. in his proper person : And the Sheriff now returns, that he by vertue of that writ to him directed, had made known to the aforesaid T. of being here at this day to acknowledge or deny the writing of Release, by T. P. and R. S. honest men &c: And the same T. saies that he cannot deny, but that the aforesaid writing of release is his Deed &c: Therefore the generall pardon to him the said W. is allowed, and the aforesaid W. is to goe without day &c:

W Hereas E. B. lately &c. had recovered against J. F. as well a certain debt, &c. yet Execution &c. And the aforesaid Defendant is dead, as by &c. And wherefore, &c. to make known to the Tenants of the Lands and Tenements which were the aforesaid Defendants (such a Day and year) on which Day the judgment thereupon was rendred, or at any times afterwards in your Bailiwick, that they be before &c. (such a return) to shew what they have for themselves, or know to speake, wherefore the Debt and Damages aforesaid ought not to be made of those Lands and Tenements, and rendred to the aforesaid Plaintiff according to the Form of the recovery aforesaid, if it shall seem expedient unto them. And whereupon our Sheriffs of London otherwise returned to our Justices at Westminster that there are no Tenants, or any Tenant of the Lands or Tenements which were the aforesaid W. at the time of the iudgment aforesaid rendred, or at any time afterwards in his Bailiwick, to which or to whom hemight make known, whereas it is testified in the same Court, that there are divers Tenants of the Lands and Tenements in the County aforesaid which were the aforesaid W. at the time of the Judgment aforesaid rendred, and afterwards, whereof the Debt and Damages aforesaid, may be made and levied, and that you have, &c.

Sciae facias
against Ter-Tenants.

Scire Facias against J. R. Esquire, Cozen and Heire of J. R. Knight, that is to say, Son and heir of one J. R. son and heir of the aforesaid J. R. and the Tenants of the Lands and Tenements in the County aforesaid, which were the aforesaid J. R. in fee simple &c.

ANd the aforesaid J. R. prayes judgment of the aforesaid Writ of *Scire facias*, because he sayes that the day of the obtaining of the aforesaid writ of *scire facias* to the aforesaid sheriff of C. directed, to wit (such a Day and year) one H. R. was Tenant as of his freehold of one Messuage &c. in B. aforesaid, of which the aforesaid J. R. Knighton the aforesaid Month of Saint Michael (such a year) was seized in his demesne as of fee, and this he is ready to aver; whereupon for that the aforesaid H. Tenant of the same Tenements with the

Scire facias
against Ter-Tenants, and the defendant prays iudgment of the writ, because all the Tenants are not returned.
T. in. 7. Jacobi
rot. 1708.

appurte-

value of the Debt and Damages aforesaid, did waite and convert to his own proper use, whereby the loss of the same was sustained. And the said T. R. of the aforesaid T. S. E. F. & A. aforesaid, and prais Execution of the Debt and Damages Chattels which were the aforesaid in the hands of the aforesaid T. to be adjudged unto him, &c.

IRREGULAR

And the aforesaid T. S. E. F. and A. say, that the aforesaid VV. ought not to have Execution against them, of the Debt and Damages aforesaid, of the Goods and Chattels which were the aforesaid I. D. in the hands of them the said T. S. E. F. and A. being to be levied; because by protestation that the aforesaid Writs of *Scire facias*, in manner and form aforesaid obtained, as also the matter contained in them is sufficient in Law, unto which they have no necessity, nor are tied by the Law of the Land to answer for Plea, they say, that the aforesaid I. D. in his life time, Goods and Chattels which were the aforesaid T. R. at the time of his Death, to the value of the Debt and Damages aforesaid, did not waite nor convert to his own proper use, as the aforesaid VV. by his Writ and Declaration aforesaid above supposeth, and of this, &c.

Scire facias upon a general pardon where the plaintiff after judgment had against the defendant had made the defendant a general release: to deny or own the release and judgment by confession thereupon.
Trin. 7. Jac.
Rol. 118.

S*Scire facias* upon a pardon: And further, it was enacted by Authority of the same Parliament, that the aforesaid general pardon should not in any thing extend to any person out-lawed upon any writ of *Capias ad satisfaciendum*, untill the person so out-lawed shall have satisfied, or otherwise agreed with the party, at whose suite &c. as &c. And the same W. further saith, that the out-lawry aforesaid &c. foreprised &c. And that he is &c. that is to say at T. aforesaid, and that after the outlawry aforesaid, on him the said VV. in form aforesaid promulged and had, had satisfied the aforesaid T. as well of a certain debt &c. as of &c. for which said debt and damages the same VV. in form aforesaid remains out-lawed, and the same T. afterwards, to wit (such a day and year, and place) by his certain writing of release, which the same W. with the seal aforesaid T. signed here, brings into Court, whole duty is the same day and year remised, released &c. to him the said W. by the name &c. as by the same writing more fully appears: And this he is ready &c. whereupon &c. And that he of the out-lawry aforesaid may be discharged: And because &c. (such a return) to acknowledge, or done his aforesaid writing of release; and further, to do, and receive what the Court of our Lord the King shall consider of him on that behalf: And now here at this day, to wit, at the same three weeks from the holy Trinity,

PAGINATION

shew as well the aforesaid W. how his Attorney aforesaid, as the
id the Sheriff now returns, that
ed, had made known to the
to acknowledge or deny the
honest men &c: And the same
he aforesaid writing of release is
pardon to him the said W: is
without day &c:

W Hereas *E. B.* lately &c. had recovered against *J. F.* as
well a certain debt, &c. yet Execution &c. And the a-
foresaid Defendant is dead, as by &c. And wherefore,
&c. to make known to the Tenants of the Lands and Tenements which
were the aforesaid Defendants (such a Day and year) on which
Day the judgment thereupon was rendred, or at any times afterwards
in your Bailiwick that they be before &c. (such a return) to shew
what they have for themselves, or know to speake, wherefore the
Debt and Damages aforesaid ought not to be made of those Lands
and Tenements, and rendred to the aforesaid Plaintiff according to the
Form of the recovery aforesaid, if it shall seem expedient unto them.
And whereupon our Sheriffs of *London* otherwise returned to our
Justices at *Westminster* that there are no Tenants, or any Tenant of
the Lands or Tenements which were the aforesaid W. at the time of
the iudgment aforesaid rendred, or at any time afterwards in his Baili-
wick, to which or to whom hemight make known, whereas it is re-
stified in the same Court, that there are divers Tenants of the Lands
and Tenements in the County aforesaid which were the aforesaid W.
at the time of the Judgment aforesaid rendred, and afterwards, where-
of the Debt and Damages aforesaid, may be made and levied, and
that yon have, &c.

Sciae facias
against Ter-Ten-
nants,

Scire Facias against *J. R.* Esquire, Cozen and Heire of *J. R.*
Knight, that is to say, Son and heir of one *J. R.* son and heir of the
aforesaid *J. R.* and the Tenants of the Lands and Tenements in the
County aforesaid, which were the aforesaid *J. R.* in fee simple
&c.

ANd the aforesaid *J. R.* prayes judgment of the aforesaid Writ of
Scire facias, because he sayes that the day of the obtaining of the
aforesaid writ of *scire facias* to the aforesaid sheriff of *C.* directed,
to wit (such a Day and year) one *H. R.* was Tenant as of his free-
hold of one Messuage &c. in *B.* aforesaid, of which the aforesaid *J. R.*
Knighton the aforesaid Month of Saint *Michael* (such a year) was
seized in his demesne as of fee, and this he is ready to aver; whereup-
on for that the aforesaid *H.* Tenant of the same Tenements with the
appurte-

Scire facias
against Ter-Ten-
nants, and the
defendant prays
iudgment of
the writ, be-
cause all the
Tenants are not
returned.
Trin. 7. Jacobi
101. 1708.

value of the Debt and Damages aforesaid, did waite and convert to his own proper use, whereby the losse the same *W.* could obtain Execution of the Debt and Damages aforesaid, of the Goods and Chattels which were the aforesaid *T. R.* at the time of his Death, in the hands of the aforesaid *T. S. E. F. & A.* according to the form of the Recovery aforesaid, and praies Execution against the aforesaid *T. S. E. F. and A.* of the Debt and Damages aforesaid, of the proper Goods and Chattels which were the aforesaid *I. D.* at the time of his Death in the hands of the aforesaid *T. S. E. F. and A.* being to be levied, to be adjudged unto him, &c.

And the aforesaid *T. S. E. F. and A.* say, that the aforesaid *VV.* ought not to have Execution against them, of the Debt and Damages aforesaid, of the Goods and Chattels which were the aforesaid *I. D.* in the hands of them the said *T. S. E. F. and A.* being to be levied; because by protestation that the aforesaid Writs of *Scire facias*, in manner and form aforesaid obtained, as also the matter contained in them is sufficient in Law, unto which they have no necessity, nor are tied by the Law of the Land to answer for Plea, they say, that the aforesaid *I. D.* in his life time, Goods and Chattels which were the aforesaid *T. R.* at the time of his Death, to the value of the Debt and Damages aforesaid, did not waite nor convert to his own proper use, as the aforesaid *VV.* by his Writ and Declaration aforesaid above supposeth, and of this, &c.

Scire facias
upon a general
pardon where
the plaintiff af-
ter judgment
had against the
defendant had
made the de-
fendant a ge-
nerall release:
so deny or own
the release and
judgment by
confession
thereupon.
Trin. 7. Jac.
Rol. 118.

Scire facias upon a pardon: And further, it was enacted by Authority of the same Parliament, that the aforesaid generall pardon should not in any thing extend to any person out-lawed upon any writ of *Capias ad satisfaciendum*, untill the person so out-lawed shall have satisfied, or otherwise agreed with the party, at whose suite &c. as &c. And the same *W.* further saith, that the out-lawry aforesaid &c. foreprised &c. And that he is &c. that is to say at *T.* aforesaid, and that after the outlawry aforesaid, on him the said *VV.* in form aforesaid promulged and had, had satisfied the aforesaid *T.* as well of a certain debt &c. as of &c. for which said debt and damages the same *VV.* in form aforesaid remains out-lawed, and the same *T.* afterwards, to wit (such a day and year, and place) by his certain writing of release, which the same *W.* with the seal aforesaid *T.* signed here, brings into Court, whole duty is the same day and year remised, released &c. to him the said *W.* by the name &c. as by the same writing more fully appears: And this he is ready &c. whereupon &c. And that he of the out-lawry aforesaid may be discharged: And because &c. (such a return) to acknowledge, or done his aforesaid writing of release; and further, to do, and receive what the Court of our Lord the King shall consider of him on that behalf: And now here at this day, to wit, at the same three weeks from the holy Trinity,

nity came as well the aforesaid W. by his Attorney aforesaid, as the aforesaid T. in his proper person: And the Sheriff now returns, that he by vertue of that writ to him directed, had made known to the aforesaid T. of being here at this day to acknowledge or deny the writing of Release, by T.P. and R.S: honest men &c: And the same T. saies that he cannot deny, but that the aforesaid writing of release is his Deed &c: Therefore the generall pardon to him the said W. is allowed, and the aforesaid W. is to goe without day &c:

W Hereas E. B: lately &c. had recovered against J. F. as well a certain debt, &c. yet Execution &c. And the aforesaid Defendant is dead, as by &c. And wherefore, &c. to make known to the Tenants of the Lands and Tenements which were the aforesaid Defendants (such a Day and year) on which Day the judgment thereupon was rendred, or at any times afterwards in your Bailiwick. that they be before &c. (such a return) to shew what they have for themselves, or know to speake, wherefore the Debt and Damages aforesaid ought not to be made of those Lands and Tenements, and rendred to the aforesaid Plaintiff according to the Form of the recovery aforesaid, if it shall seem expedient unto them. And whereupon our Sheriffs of London otherwise returned to our Justices at Westminster that there are no Tenants, or any Tenant of the Lands or Tenements which were the aforesaid W. at the time of the judgment aforesaid rendred, or at any time afterwards in his Bailiwick, to which or to whom hemight make known, whereas it is testified in the same Court, that there are divers Tenants of the Lands and Tenements in the County aforesaid which were the aforesaid W. at the time of the Judgment aforesaid rendred, and afterwards, whereof the Debt and Damages aforesaid, may be made and levied, and that yon have, &c.

Sciae facias
against Ter-Tenants.

Scire Facias against J. R. Esquire, Cozen and Heire of I. R. Knight, that is to say, Son and heir of one I. R. son and heir of the aforesaid I. R: and the Tenants of the Lands and Tenements in the County aforesaid, which were the aforesaid I. R. in fee simple &c.

ANd the aforesaid I. R. prayes judgment of the aforesaid Writ of Scire facias, because he sayes that the day of the obtaining of the aforesaid writ of scire facias to the aforesaid sheriff of C. directed, to wit (such a Day and year) one H. R. was Tenant as of his freehold of one Messuage &c. in B. aforesaid, of which the aforesaid I. R. Knighton the aforesaid Month of Saint Michael (such a year) was seized in his demesne as of fee, and this he is ready to aver; whereupon for that the aforesaid H: Tenant of the same Tenements with the appurte-

Scire facias
against Ter-Tenants, and the defendant prays judgment of the writ, because all the Tenants are not returned.
Trip. 7. Jacobi
101. 1708.

Tenant.

appurtenances in the aforesaid writ of *scire facias* named, is neither warned by the aforesaid Writ of *scire facias* nor was returned as Tenant of any Lands of the Tenements aforesaid with the appurtenances, which were the aforesaid J. R. Knights against whom, &c. of being here at the aforesaid Return &c. together with the aforesaid I. R. Esquire, to answer unto the writ aforesaid, the same I. R. Esquire prays judgment of that writ, &c.

Judgement.

ANd the aforesaid E. sayes, that he by any thing before alleadged, ought not to be debarred from having his execution aforesaid, of the debt and damages aforesaid, against the aforesaid I. R. as Cozen and heir of the aforesaid I. R. because he sayes, that the aforesaid I. R. now Defendant, the day of the obtaining of the aforesaid Writ of *scire facias*, to the sheriff of C. directed was sole seized in his demesne as of fee, of all the Lands and tenements which were the aforesaid I. R. Knight on the aforesaid month of Saint Michael, (such a year, &c.) on which day the judgement aforesaid was rendered, without that, that the aforesaid H. R. the aforesaid (such a day and year) was Tenant of the free-hold of the aforesaid one Messuage &c. of which the aforesaid I. R. Knight, on the moneth of Saint Michael (such a year) was seized in his demesne as of Fee as the aforesaid I. R. now Defendant hath above alleadged, and this he is ready to aver, whereupon as formerly he prays Execution against the aforesaid J. R. now Defendant of the debt and damages aforesaid, to be adjudged unto him &c.

Traverse

Issue upon the Traverse.

ANd the aforesaid I. R. as formerly saith, that the aforesaid H. R. the aforesaid (such a day and year) was Tenant as of the free-hold of the aforesaid one messuage &c. Of which the aforesaid I. R. Knight on the aforesaid Month of Saint Michael (such a year) was seized in his Demesne as of Fee, as he above hath alleadged, and of this he puts himself upon the country &c.

The entry of a
Scire facias
against Manu-
captors where
the Judgement
was removed
by writ of error.
Mich 16 Jac.
rot. 19

London ff. It was commanded the sheriff, whereas I. B. E. C. and H. B. of &c. otherwise to wit &c. undertook, and each of them undertook, that is to say, in (such a summ &c. that he should appear, &c. to an action or writ of one W. L. against him the said I. of and upon an action of Trespasse upon the case before &c. then next following (as in others before) untill, according to the Form of the recognizance aforesaid he appeared; and afterwards to wit in eight days of Saint Martyn then next following the aforesaid W. by the judgment of the same Court recovered against the aforesaid I. nineteen pound for his damages which he had by occasion of the premises where-

whereof the aforesaid *I.* was convicted, the record of which said Judgment afterwards to wit the third day of *February* in the fifteenth year &c. by virtue of a writ of our Lord the King of correcting Errors from the Court here, into the court of our said Lord the King before him the said Lord the King, was removed and sent, and that judgment in the same Court before our said Lord the King, as yet in his full force and effect remaines of Record in no wise reversed or annulled, yet the aforesaid *I.* his body &c. (as in others, changing what is to be changed) and upon an *Alias Scire facias* and *Nichil* returned, judgment by default &c.

It was commanded the Sheriff whereas *F. Clark* in the Court &c. yet execution &c. and the aforesaid *F. C.* is dead, as by the information of *T. G. Knight*, and *G. S.* the King had heard, and because &c. and now here at this day came the aforesaid *T.* and *G.* in their proper persons, and the aforesaid *W.* the fourth day of the plea, was solemnly called, and the Sheriff now returns that he hath nothing &c. nor is found &c. And upon this the aforesaid *T.* wholly disavowes any further to prosecute against the aforesaid *W.* of the aforesaid plea: Therefore the same *T.* is to be separated from the aforesaid *G.* and the aforesaid *G.* is admitted to prosecute solely, and without the aforesaid *T.* against the aforesaid *W.* of the aforesaid plea: and upon this the same *G.* brings here into court the Letters testamentary of the aforesaid *F.* by which it sufficiently appears to the court here, he the said *G.* and the aforesaid *T.* to be the Executors of the Testament aforesaid, and thereupon to have the administration &c. and prays Execution &c. Therefore it is considered, that the aforesaid *G.* have Execution &c.

Scire facias by
2 Executors,
and summons
and severance
of one, and
judgment for
the other.
Trin. 18. Jac.
rot. 2879.

Otherwise, as it appears in the Term of the holy Trinity in the second year of the King &c. Rot. 708. it is thus contained. *Stafford* ss. It was commanded to the Sheriff, whereas *A. Clement* Widow, lately in the Court of our Lord King *James* late King of *England*, to wit in the Term of *Easter*, in the one and twentieth year of his reign, before *H. H. Knight* and baronet and his companions then the Justices of him our said Lord the King of his Bench here, to wit at *Westm.* by the consideration of the same Court, had recovered against *W. Collier* lately of, &c. otherwise called &c. as well a certain debt of eight and twenty pound, as forty shillings, which &c. whereof he is convicted, as by the Record and processe thereupon in the court of our Lord the King that now is here residing, it manifestly appears yet execution &c. And because &c. that by honest men &c. he cause to be made known to the aforesaid *W.* that he should be here at this day (to wit such a return) to shew if any thing &c. wherefore &c. if &c. and now here at this day came as wel the aforesaid *A.* by *R. H.* her Attorney, as the aforesaid *W.* by *W. B.* his Attorney, And the Sheriff now returns that

The entry of a
Scire facias,
and no such re-
cord pleaded to
it.

Tenant.

appurtenances in the aforesaid writ of *scire facias* named, is neither warned by the aforesaid Writ of *scire facias* nor was returned as Tenant of any Lands of the Tenements aforesaid with the appurtenances, which were the aforesaid J. R. Knights against whom, &c. of being here at the aforesaid Return &c. together with the aforesaid I. R. Esquire, to answer unto the writ aforesaid, the same I. R. Esquire prays judgment of that writ, &c.

Judgement.

And the aforesaid E. sayes, that he by any thing before alleadged, ought not to be debarred from having his execution aforesaid, of the debt and damages aforesaid, against the aforesaid I. R. as Cozen and heir of the aforesaid I. R. because he sayes, that the aforesaid I. R. now Defendant, the day of the obtaining of the aforesaid Writ of *scire facias*, to the sheriff of C. directed was sole seized in his demesne as of fee, of all the Lands and tenements which were the aforesaid I. R. Knight on the aforesaid month of Saint Michael, (such a year, &c.) on which day the judgement aforesaid was rendered, without that, that the aforesaid H. R. the aforesaid (such a day and year) was Tenant of the free-hold of the aforesaid one Messuage &c. of which the aforesaid I. R. Knight, on the moneth of Saint Michael (such a year) was seized in his demesne as of Fee as the aforesaid I. R. now Defendant hath above alleadged, and this he is ready to aver, whereupon as formerly he prays Execution against the aforesaid I. R. now Defendant of the debt and damages aforesaid, to be adjudged unto him &c.

Traverse

Issue upon the Traverse.

And the aforesaid I. R. as formerly saith, that the aforesaid H. R. the aforesaid (such a day and year) was Tenant as of the freehold of the aforesaid one messuage &c. Of which the aforesaid I. R. Knight on the aforesaid Month of Saint Michael (such a year) was seized in his Demesne as of Fee, as he above hath alleadged, and of this he puts himself upon the country &c.

The entry of a
Scire facias
against Mann-
captors where
the Judgement
was removed
by writ of error.
Mich 16. Jac.
101. 1931.

London ff. It was commanded the sheriff, whereas I. B. E. C. and H. B. of &c. otherwise to wit &c. undertook, and each of them undertook, that is to say, in (such a sum &c. that he should appear, &c. to an action or writ of one W. L. against him the said I. of and upon an action of Trespasse upon the case before &c. then next following (as in others before) untill, according to the Form of the recognizance aforesaid he appeared; and afterwards to wit in eight days of Saint Martyn then next following the aforesaid W. by the judgment of the same Court recovered against the aforesaid I. nineteen pound for his damages which he had by occasion of the premises where-

whereof the aforesaid *J.* was convicted, the record of which said Judgment afterwards to wit the third day of *February* in the fifteenth year &c. by virtue of a writ of our Lord the King of correcting Errors from the Court here, into the court of our said Lord the King before him the said Lord the King, was removed and sent, and that judgment in the same Court before our said Lord the King, as yet in his full force and effect remaines of Record in no wise reversed or annulled, yet the aforesaid *J.* his body &c. (as in others, changing what is to be changed) and upon an *Alias Scire facias* and *Nichil* returned, judgment by default &c.

It was commanded the Sheriff whereas *F. Clark* in the Court &c. yet execution &c. and the aforesaid *F. C.* is dead, as by the information of *T. G. Knight*, and *G. S.* the King had heard, and because &c. and now here at this day came the aforesaid *T.* and *G.* in their proper persons, and the aforesaid *W.* the fourth day of the plea, was solemnly called, and the Sheriff now returns that he hath nothing &c. nor is found &c. And upon this the aforesaid *T.* wholly disavowes any further to prosecute against the aforesaid *W.* of the aforesaid plea: Therefore the same *T.* is to be separated from the aforesaid *G.* and the aforesaid *G.* is admitted to prosecute solely, and without the aforesaid *T.* against the aforesaid *W.* of the aforesaid plea: and upon this the same *G.* brings here into court the Letters testamentary of the aforesaid *F.* by which it sufficiently appears to the court here, he the said *G.* and the aforesaid *T.* to be the Executors of the Testament aforesaid, and thereupon to have the administration &c. and prays Execution &c. Therefore it is considered, that the aforesaid *G.* have Execution &c.

Scire facias by
2 Executors,
and summons
and severance
of one, and
judgment for
the other.
Trin. 18. Jac.
101. 1879.

Otherwise, as it appears in the Term of the holy Trinity in the second year of the King &c. Rot. 708. it is thus contained. *Stafford* ss. It was commanded to the Sheriff, whereas *A. Clement* Widow, lately in the Court of our Lord King *James* late King of England, to wit in the Term of *Easter*, in the one and twentieth year of his reign, before *H. H. Knight* and baronet and his companions then the Justices of him our said Lord the King of his Bench here, to wit at *Westm.* by the consideration of the same Court, had recovered against *W. Collier* lately of, &c. otherwise called &c. as well a certain debt of eight and twenty pound, as forty shillings, which &c. whereof he is convicted, as by the Record and processe thereupon in the court of our Lord the King that now is here residing, it manifestly appears yet execution &c. And because &c. that by honest men &c. he cause to be made known to the aforesaid *W.* that he should be here at this day (to wit such a return) to shew if any thing &c. wherefore &c. if &c. and now here at this day came as wel the aforesaid *A.* by *R. H.* her Attorney, as the aforesaid *W.* by *W. B.* his Attorney, And the Sheriff now returns that

The entry of a
Scire facias,
and no such re-
cord pleaded to
it.

that he by vertue of the Writ aforesaid to him directed, by I. D. and T. H. honest men &c. had made known to the aforesaid W. that he should be here at this day to shew in form aforesaid, &c. And upon this the aforesaid A. prayes Execution against the aforesaid VV. of the Debt and Damages aforesaid to be adjudged unto her &c. And the aforesaid W. prayes licenie thereupon of imparling here, untill in eight dayes of Saint *Michael*, and he hath it &c. here &c. At which day here came as well the aforesaid A. as the aforesaid W. by heir Attornyes aforesaid, and upon this the aforesaid A. as formerly prayes Execution against the aforesaid W. of the Debt and damages aforesaid to be adjudged unto her &c.

And the aforesaid W. sayes, that the aforesaid A. ought not to have Execution against him of the Debt and Damages aforesaid, because he saith, that there is not had any such Record of the recovery of the debt and Damages aforesaid in the Court here remaining, by which it may appear that the aforesaid A. recovered against him the said VV. the debt and damages aforesaid, as is made mention of in the aforesaid writ of *Scire facias*, And this; &c. whereupon, &c.

And the aforesaid A. sayes, that she by any thing pre-alleged, ought not to be procluded from having her Execution aforesaid against the aforesaid VV. of the debt and damages aforesaid, because she saith, that there is had such a record of the Recovery of the debt and damages aforesaid between her the said A. and the aforesaid VV. in the aforesaid Court of our said Lord the King of his Bench here residing, as the same A. hath above alledged, as it appears in the Tearme of *Easter* in the one and twentieth year of our said late King *James* Rot. 1502. and prayes that that Tearme, and the Rolls thereof by the Justices here may be seen and looked into &c. And because the Justices here will advise of and upon the inspection and Examination of the Record aforesaid by the aforesaid A. above alledged, day is given as well to the same A. as the aforesaid VV. here until the morrow of the purification of the blessed Virgin *Mary*, because the same Justices here thereupon as yet &c.

Summons

Summons.

Greeting. Summon by good Summoners, *T. H. Elquire*, that he be before our Justices at *Westminster* (such a return) to warrant to *T. F. Gentleman*, the Mannor of *B. &c.* with the appurtenances in *D.* which *I. F.* and *G. P.* in our Court before our Justices at *Westminster* claim as their right by our Writ of Entry upon disseisin *in le post*, against him. And whereupon the same *T. F.* in our said Court calleth the foresaid *T. H.* to be summoned in your County to warrant against them: And that you have there the Summoners: And this writ, witnesse &c.

Summons to warrant against the Vexatice upon a writ of entry, in le post.

Greeting. Summon by good Summoners, *N. B.* and *A.* his Wife, that they be before our Justices at *Westminster* (such a return) to warrant *T. B. Elquire*, which *G. V.* in our Court before our foresaid Justices at *Westminster* calls to warranty; And who warrants unto him one Messuage &c. which *A. T. W. D.* and *R. S.* in our Court before our Justices at *Westminster* claimes against the foresaid *G.* as his right by our writ of Entry upon disseisin *in le post*, and whereupon the same *T. B. Elquire*, in our same Court calls the foresaid *N.* and *A.* his wife to be summoned in your County to warrant against him: And that you have there the summoners of this writ, Witnesse, &c.

Other wise against the second Vexatice.

Greeting. We command you, as otherwise We commanded you, that you summon by good summoners, *W. Bishop of L.* and *I. B. Esquire*, that they be before &c. (such a return) to answer *I. B.* and *R. B. Executors of the Testament of T. B. Esquire*, of a Plea, that they permit them to present a fit person to the Church of *H.* and *M.* which is void, and belongeth to their donation, as they say: And whereupon they complain that the foresaid *Bishop*, and *I.* unjustly hinder them: And whereupon you your self returned to our Justices at *Westminster* (such a return last past) that the Writ foresaid to you lately directed was so late delivered unto you, that for the shortnesse of the time you could not make Execution thereupon: And that you have there the Summoners, and this writ, Witnesse &c.

Alias Summons in Quare impedit, where the Sheriff returns a Tardie upon the first Summons.

Greeting.

*Summons to
warranty a-
gainst a Ferrain
Voucher.*

G*reeting.* Summon by good summoners W. C. son and heir of W. C. Knight, that he be before &c. (such a return) to warrant H. B. the moiety of one Messuage &c. with the appurtenances in R. in your County, which J. R. in the Court of L. P. Knight of his Mannor of R. claimes as his right, against the aforesaid H. by our Writ of right close in the form and nature of our Writ of entry upon disseisin *in le post*, at the Common Law: And whereupon the same H. in the same Court of the said L. P. of his Mannor aforesaid, calls the aforesaid W. C. his son to be summoned in your County at the Common Law, out of the jurisdiction of the Court of the aforesaid L. P. of his Mannor aforesaid to warrant against him. And whereupon it is considered in our said Court before our aforesaid Justices as *Westminster*, that the aforesaid W. C. the son be summoned in your County: And that you have here the summoners, and this writ; Witnesse &c.

*Resummons in a
writ of false
Judgement a-
gainst the Te-
nant of the
land, where
the Tenant in
the first action
dies after the
record was had
in the Bench.*

G*reeting.* Whereas A. Elmos, Esquire, lately in the Court of H. M. Knight, of his Mannor of H in your County before the Bayliffs and Suitors of the same Court, had impleaded J. S. widow of one Messuage &c. by our writ of right close in the same Court, in the nature and form of donation in descendre at Common Law prosecuted, in which said plea they the said Suitors rendred their judgment in the same Court, that the aforesaid A. E. should take nothing by his writ aforesaid, but should be in mercy for his false claim thereupon; which said record, by force of our certain Writ of false judgment to you lately thereupon directed before &c. by you was lately sent and had, and as yet in the hands of our same Justices in the Bench aforesaid remains undetermined; and the aforesaid J. is dead, as by the information of him the said A. we have received. And therefore we command you that you summon again by good summoners; J. S. who now holdeth thole tenements, that he be here (such a return) to hear the record aforesaid, as also his judgment of that plaint &c. Witnesse &c.

*Alias, Sum-
mons where the
Plaintiff found
not pledges of
prosecuting to
the Sheriff.*

G*reeting.* Whereas W. B. in our Court before &c. hath made our same Justices secure of prosecuting his complaint, by R. S. and T. L. we command you, as otherwise we have commanded you, that you summon by good Summoners I. H. that he be before, &c. (such a Return) to answer the aforesaid W. B. of a plea, that he render him ten messuages &c with the appurtenances in N. which I. P. gave to R. B. and to the heirs males of the body of him the said R. issuing, and which after the death of the aforesaid R. B. and C. B. Sonne and heir of the same R. to the aforesaid W. B. as to the Brother and heir of the same C. B. ought to descend by Form of the gift aforesaid, as he sayes: And whereupon you your self returned to our

our Justices at *Westminster* from the day of Saint *Michael* in three weeks last past, that the aforesaid *W. B.* found not unto you, pledges of prosecuting, and that you have then there the Summoners, and this writ, witnesse &c.

It was commanded the Sheriff that if *V. V. B.* should make him secure of prosecuting his complaint, then he should summon by good summoners *J. H.* that he should be here at this day, to wit, from the day of Saint *Michael* in three weeks, to answer the aforesaid *W. B.* of a plea, that he render him ten messuages &c. with the appurtenances in *R.* which *I. P.* gave to *R. B.* and the heirs males of the body of him the said *R.* issuing, and which after the death of the aforesaid *R. B.* and *C. B.* sonne and heir of the aforesaid *R. B.* to the aforesaid *V. V. B.* as to the brother and heir of the same *C. B.* bought to descend by form of the gift aforesaid &c. And now here at this day came the aforesaid *V. V. B.* by his Attorney, and the Sheriff now returned, that the aforesaid *W. B.* had not found unto him pledges of prosecuting, and upon this the aforesaid *V. V. B.* found here in court, pledges of prosecuting this writ aforesaid, that is to say *R.* and *T.* Therefore as formerly it is commanded the Sheriff, that he summon by good summoners the aforesaid *J. H.* that he be here in eight dayes of Saint *Hill* to answer the aforesaid *V. V. B.* of the aforesaid plea &c.

The entry there of.

Summon by good summoners *W. T.* that he be before &c: (such a Return) to warrant *T. B.* which *W. B.* otherwise calls to warranty, and who warrants unto him the third part of the manors &c: which said third part *E. L.* and *A.* his wife, lately in our court before &c claims against the aforesaid *T. B.* as Tenant thereof by his warranty, as the dowry of her the said *A.* of the indowment of *R. B.* in time past her husband; And whereupon the same *T. B.* in our same court calls the aforesaid *W. T.* to be summoned in your County to warrant against him, and that you have then the summoners, and this writ: witnesse, &c:

SUMMONS to warranty against the dowries in dower.

Greeting. Summon by good summoners *E.* Earl of *D.* that he be before &c: (such a Return) to warrant *W. P.* the custody of the land and Heir of *W. C.* which he gave and granted unto him, and which *W. S.* in our Court before &c: claims as his right, against the aforesaid *P.* by our writ of common custody, And whereupon the same *P.* in our said Court, calls the aforesaid Earl to be summoned in your county to warrant against him, and that you have then there the summoners and this writ, witnesse, &c:

SUMMONS to warranty in common custody.

*Summons, ad
auxiliandum.*

G*reeting.* Whereas *R. L.* lately of, &c. was attached of being in our Court before, &c. to answer *E. L.* Esquire, for that whereas one *R. B.* Clark, lately Rector of the Church of *R. &c.* (as in the Record to the very Issue to in like manner) upon which the aforesaid *R.* in our said Court, said, that he the aforesaid Averment above pretended, without the aforesaid *VV. H.* Knight, now Patron of the Church aforesaid, and *Edmond* now Bishop of *Salisbury*, Ordinary of that place, could not maintain, or expect praying aid of them the said Patron and Ordinary, which was granted unto him: And therefore we command you, that you summon by good Summoners the aforesaid *VV. H.* Knight, and *E.* now Bishop of *Salisbury*, that they be before, &c: (such a Return) to expect and maintain, together with the aforesaid *R.* the aforesaid Averment, by him the said *R.* in our said Court, by pleading, pretended if they will: And that you have then there the names of the Summoners, and this Writ, *witnesse, &c.*

*The Returne
thereof.*

THE Summoners of the within named *VV. H.* and *E.* Bishop of *Salisbury*, are *J. D.* and *VV. J. VV. B.* Knight, Sheriff.

*Summons to
warranty after
an aid, prayer.*

G*reeting.* Summon by good Summoners *J. VV.* that he be before, &c. (such a Return) to warrant *A. M.* Widdow, and *H. M.* who in our Court before our Justices at *VVestminster*, freely joynes her selfe in aid to her the said *A.* one Messnage, &c. which *E. R.* in our Court before, &c. claimes as his Right against the aforesaid *A.* by our Writ of form of gift in the *Discendre* against her; And whereupon the same *A.* and the aforesaid *H.* who joynes her selfe in aid to her the said *A.* in our said Court, calls the aforesaid *J.* to be summoned in your County, to warrant against them: And that you have then there the Summoners, and this Writ, *witnesse, &c.*

*Summons of
four Knights in
a writ of right.*

G*reeting.* Summon by good Summoners foure lawfull Knights, Girt with Swords, of your County, that they be before, &c. from the day of Saint *Michael* in three weeks, to choose of themselves and others, sixteen lawfull men, of the Visnage of *F.* who the better may know and will speake the truth, to make a Recognition of our grand Assize, betwixt *A. S.* Widdow, and *M. B.* Widdow, Demandants, and *A. P.* Clark, of a Plea that he render them the Advowson of the Church of *F.* which he unjustly desorces them of; And whereupon the same *A.* in our same Court, put himselfe upon our grand Assize, praying Recognition thereupon to be made, whether he hath greater right to hold the Advowson aforesaid, to him and his Heires, as he holdeth it, of the aforesaid *A.* and *M.* to have the

the same Advowson, as the same A. and M. demand it: And that you have there the names of the Knights, and this VVrit, *witnesse*, &c.

Creeting. Summon by good Summoners T: L: that he be before, &c. (such a Return) to follow together with J. G. against our H: a Plea of one Messuage with the Appurtenances in E: which the aforesaid J. together with the aforesaid T: in our Court before, &c. claimes as their Right against him, by our writ of form of gift in the *Descendre*; And that you have then there the Summoners, and this writ, *witnesse*, &c.

Summons to follow with another in Formedon.

Creeting. Summon by good Summoners I: V: Esquire, Son and Heire of I: V: Esquire, that he be before; &c. (such a Return) to warrant H: D: Esquire, Son and Heire of H: D: whom R: C: in our Court before our aforesaid Justices at *Westminster*, calls to warranty, and who warrants unto him two Messuages, &c. with the Appurtenances in, &c. in the County of N: which VV: M: in our Court before our aforesaid Justices at *Westminster*, claimes as his Right against the aforesaid H: D: the Son, as Tenant thereupon by his warranty, by our writ of form of gift in the *descendre*; And whereupon the same H: D: the Son, in our said Court, calls the aforesaid I: to be summoned in your County, to warrant against him, and that you have there then the Summoners, and this writ, *witnesse*, &c.

Summons ad Warr. against the second voucher in Formedon.

Creeting. Summon by good Summoners, one lawfull Knight of your County, girt with a Sword, that he be before, &c. (such a Return) to make Election of our grand Assise, together with E: C: Knight, and I: G: Knight, and I: R: Knight, between H: Earle of E: Demandant, and R: E: Clark, Master of the Colledge of Saint. G. of S. in the County of S. of the Mannor of M. with the Appurtenances in your County; and whereupon the same R. hath put himselfe upon our grand Assise, and whereupon the same Earle demands Recognition to be made, whether he hath greater right to hold the Mannor aforesaid, with the Appurtenances to him and his Heires, as he holds it, or the aforesaid R. E. we command you also, that you distrain E. C. J. G. and J. R. three lawfull Knights of your County, girt with Swords, by all their Lands and Chattels in your Bayliwick, so that neither they nor any by them; lay hands upon them, untill you have thereupon another Precept from us; and that of the Issues of them you answer unto us, so that you have their Bodies before our Justices at *Westminster*, at the aforesaid Term, to make Election of our grand Assise, together with the aforesaid one other Knight, between the aforesaid Earle and the aforesaid

Summons of one Knight in a writ of right, and a Distingas against the three other Knights.

aforesaid *R.* of the Mannor aforesaid, with the Appurtenances; and to heare the Judgment of many defaults, and that you have there the names of the Summoners of the Knight, and this writ, *Witnesse*, &c.

Resummons;
where the plaint
remained with-
out day for the
nonage of the
Tenant.

Greeting. Summon again by good Summoners, *T. W.* and *J.* his Wife, that they be before, &c. (such a Return) to heare the Record, and their Judgment of a Plaint which was in our Court before, &c. between *T. L.* Demandant, and the aforesaid *T. W.* and *J.* Tenants of the Mannor of *M.* with the Appurtenances, which the same *T. L.* in our said Court before our aforesaid Justices at *Westminster*, claimes as his right against them by our writ of form of Gift in the *descendre*, so that that Plaint then be there in the same State, which it was in our aforesaid Court (such a day and yeare, &c.) on which day the Plaint aforesaid remained without day, for that the aforesaid *J.* was then within the age of one and twenty yeares, and now remaines of full age, as it is said; and that you have there then the Summoners, and this writ, *Witnesse*, &c.



Subpœna.

*Subpœna upon
an information.*

THE King, &c. to *A. B.* Greeting, We command you that all other things set aside, and ceasing every Excuse, in your proper person you be before our Justices at *Westminster* (such a Return) to answer of and upon such things, which to you then and there shal be objected, and to do and receive what our Court shal consider of you in that behalfe, and that you in no wise omit this, upon the pain of 20 s. *Witnesse H. Hobart at Westminster*, &c.

VV. S. follows this Writ upon the Statute of *Labourers*, of 5. *Eliz.*

*Subpœna ad
testificandum.*

JAMES, &c. to *A. B. C. D.* and *E. F.* We command you and every of you, firmly injoyning you, that all other things set aside, and ceasing every Excuse, in your proper persons you be before our Justices at *Westminster* (such a day) or before our Justices at the Assises at *B.* in the County of *S.* (such a day next to come) assigned to be taken, to testify the truth in a certain matter of controversy, in our Court before our Justices at *Westminster* depending between *G. H.* Plaintiff, and *J. R.* Defendant (of such a Plea on the part of the Plaintiff or Defendant) and that you in no wise omit this, under the pain of a 100 l. *Witnesse*, &c.

Greeting.

Creeting. We command you and every of you, firmly injoyning you, that all other things set aside, and ceasing every Excuse, in your proper persons you be before our Sheriff of *S.* or his Deputy, at a certain day and place, by the bringer of this writ to you and every of you to be limited, to testifie the truth in a certain matter of controversie, in our Court before, &c. (as in the next before.)

Subpœna ad testificandum upon an inquisition.



Superfedeas.

THE Keepers, &c. To the Sheriffs of *London*, Greeting. VVhereas we commanded you by our writ, that you should take *R. M.* lately of, &c. if he were found in your Bayliwick, and him safely, &c. (as in the *case*, untill) whereof he is convict: Yet because it sufficiently appeares upon Record to our Justices at *Westminster*, that after our writ aforesaid went out of our aforesaid, against the aforesaid *R.* the aforesaid Plaintiff is satisfied of his Debt and Damages aforesaid. Therefore we command you, that you altogether forbear from any further taking, arresting, imprisoning, or in any thing molesting the aforesaid *R.* by occasion of the Premises; and if you have taken him upon that occasion, and not otherwise, then him the said *R.* you shall permit to go at large, lying under danger, *witnesse*, &c.

Superfedeas upon a *case*, where the plaintiff acknowledged satisfaction.

YET because it sufficiently appeares to our Justices at *Westminster*, that after our writ aforesaid went out from our said Court, the same *R.* the aforesaid *40. l.* paid in our said Court, into the hands of *J. R.* one of our Prothonotaries of our Court of Bench to satisfy the aforesaid Plaintiff of his damages aforesaid; which said damages in the hands of him the said *J. R.* remain, therefore we command you (as before.)

In another manner where the Defendant payed the money to the Prothonotary.

Creeting. whereas lately in our Court before our Justices at *Westminster*, it was considered, that *A: R:* and *R: L:* Executors of the testament of *J: R:* should have Execution against *H: D:* lately of &c: as well of a certain debt of ten pound which the aforesaid *I.* in his life time in our court before our Justices at *Westminster* recovered against the aforesaid *H.* as of forty shillings which &c. whereof he is convict: And whereas also the aforesaid *H:* was committed to our prison of the

Superfedeas upon satisfaction to Executors.

Flores

Fleet, under your custody, there to remain untill he had fully satisfied the aforesaid Executors of the debt and damages aforesaid; yet because it sufficiently appears upon Record to our Justices at *Westminster*, that the aforesaid Executors are satisfied of the Debt and Damages aforesaid, Therefore we command you, that if the aforesaid *H.* in our prison under your custody upon that occasion, and not otherwise be detained then him the said *H.* from our prison you permit to go at large lying under the danger &c.

Superfedeas
upon an out-
lawry reversed
for want of
Proclamation.

THe Keepers &c. to the Sheriff of *S.* Greeting. Whereas we lately commanded our Sheriff of *London* by our Writ, that he should cause to be required *F. VV.* lately of &c. from *Hustings* to *Hustings*, untill, according to the Law and custome of the Nation of *England*, he should be outlawed if he appeared not; and if he appeared, then they should take him and cause him to be safely kept, so that they might have his body before &c. at a certain day now past, to answer the aforesaid *W. T.* of a plea of Debt, by vertue of which our said Writ, the aforesaid *F.* was outlawed, which said Outlawry for want of our writ of proclamation to you in that behalf directed, by the statute in that case provided, is altogether void, and of no Force or vertue in the Law: Therefore we command you, that of any Goods or Chattells, Lands or Tenements of the aforesaid *F.* in our hands by occasion of the Outlawry to be seized; or of molesting the aforesaid *F.* upon that occasion in any, or aggrieving of him, you altogether forbear, and if you have seized any Goods or Chattells, Lands or Tenements of the aforesaid, *F.* in our hands by occasion of the Outlawry aforesaid, or if you have taken the same *F.* upon that occasion, and not otherwise; then those Goods or Chattells, Lands or Tenements to him the said *F.* without delay, you shal deliver, and him the said *F.* without delay you shal permit to go at large, lying under danger &c.

Superfedeas
upon an exigent
for that, that
the Record of
the iudgment
was removed
by writ of Er-
rors before the
issuing of the
Exigent.

Greeting. whereas we lately commanded you, that of new you should cause to be required *E. R.* lately of &c. from County to County &c. To satisfie *R. VV.* as well of a certain debt of a hundred pound as of sixty shillings &c, whereof he is convict, yet because it sufficiently appears to our Justices at *Westminster* that before the issuing forth of our said writ of Exigent (within such a day and year) the Record and proccesse of the plaint aforesaid, with all things touching it, by vertue of our certain writ of correcting Error to *R. B.* directed from our aforesaid Court before us were sent, so that our aforesaid writ of Exigent against the aforesaid *E.* very unduely and erroneously issued, therefore we command you, that you altogether forbear any further to require, outlaw, take, or in any waies molest, the aforesaid *E.* by occasion of our aforesaid writ of Exigent lying under the danger &c. witnesse &c.

Greeting.

Greeting. Whereas we lately commanded you by our writ, that you cause to be required *W. H.* lately of &c. from County to County (as in the Exigent) to answer *C. N.* of a Plea, wherefore by Force and Armes; &c. against our peace, and the same *W.* came into our Court, and brought to our Justices at *Westminster* a certaine writ of priviledge issuing out of our Court of Chancery, to our same Justices directed, of forbearing in the plea aforesaid against the same *W.* And therefore we command you, that you altogether forbear any further to require, outlaw, take, or in any thing to molest the aforesaid *W.* by occasion of the premises, telling the said *C.* that he be before, &c. at the aforesaid Tearn, to shew if he have any thing for himself, or know to speak wherefore the aforesaid *W.* the priviledges of our said Court of Chancery in the same plea ought not to enjoy, if it seem meet unto him, and in what manner you shall execute this our precept, you shall make appear to our Justices at *Westminster* at the aforesaid Tearn, And that you have, &c.

Superfedeas
for a Chancery
Clark sued in
the common
Bench,

OUR Lady the Queen sent to her Justices here her writ closed in these words. *Elizabeth*, &c. (reciting the whole Writ) By vertue of which said writ, having searched the rolls and other *Memorandums* in the Court of our Lady the Queen here residing, it sufficiently of Record appears, that before the aforesaid Writ of priviledge was delivered to the Justices here the aforesaid *W.* was put unto the Exigent in the County of *H.* to be outlawed, which said writ of Exigent before the Justices here, is returnable on the morrow of *All soules* next to come, upon which the aforesaid *W.* for his indemnity, prayes a writ of our Lady the Queen to the Sheriff of *H.* to be directed, of forbearing Execution of the aforesaid writ of Exigent, so that the aforesaid *C.* at that day may shew if any thing, &c. Wherefore the aforesaid *W.* the priviledges of the Court of Chancery of the Lady the Queen, according to the Form and Effect of the writ aforesaid, ought not no have, if &c. and it is granted unto him returnable here at the aforesaid Tearn &c. the same day is given to the aforesaid *W.* here &c.

The entry thereof
of,
Trin. 19. E.
liz. 1. 1223.

WHereas &c. (as above) And the same Defendant came into our same Court, and brought &c. our certain Writ of priviledge, issuing out of our Exchequer to our Justices, &c. (as above *Mutatis Mutandis*)

Superfedeas
for a clark of
the Exchequer.

Greeting. Whereas lately we commanded you by our writ, that whereas *W. S.* in our Court before &c. had recovered his Tearn of a hundred acres of Land with the appurtenances in *E.* which *I. M.* (such a day and year) demised to the aforesaid *W.* to have and

Superfedeas
where a writ of
Sci. fac. posses-
sionem, and fi-
sa issued out er-
roneously,

to hold to him and his Assignes from the Feast, &c. untill &c. to be fully ended, as not yett past, and whereupon the aforesaid I did expel and remove him from his possession thereof, and cast out the same W. from his farm aforesaid, that you should cause to be had the aforesaid W. his possession of his aforesaid Team as yett to come of him the aforesaid 100 acres of Land with the appurtenances without delay, and in what manner that our precept should be executed you make appear to our Justices at *Westminster* (such a Return.) We commanded you also by that writ, that of the Lands and Chattells of the aforesaid J. B. in your Bailiwick you cause to be made &c. (as in a *ssu*) whereof he is convict, yett because it sufficiently appears to our Justices at *Westminster*, that our Writ aforesaid from our Court aforesaid, against him the said J. very unduely and erroneously issued: Therefore, we command you, that you altogether forbear from making any manner of further Execution by vertue of the writ aforesaid, and the moneys which you by vertue of that writ, have caused to be made of the Lands and chattells of the aforesaid I. for the damages aforesaid to him the said I. without delay you cause to be delivered, witneß &c.

*Superfedeas
upon a Casa. be-
cause errone-
ously.*

Greeting. Whereas lately by our writ we commanded you, that you should take &c. whereof he is convict (as in a *casa*) yett because it sufficiently appears to our Justices aforesaid, that our aforesaid writ of *Capias* from our Court aforesaid, most unduely and erroneously issued; Therefore we command you, that you altogether forbear from taking the aforesaid A. or in any thing to molest him by occasion of the premises, and if him the said A. upon that occasion and not otherwise you have taken, then you shall him permit to go at large &c. witneß.

*Supersedeas to
an Ex. for a
Fine.*

Greeting. whereas lately we commanded you by our writ, that you should cause to be required &c. to answer us of his fine and Redemption, for that which pertaines to us by occasion of a certain trespassse by the aforesaid J. R. to one G. S. by force and Armes and against our peace at D. in your County brought, whereof he is convict, yett because it sufficiently appears to our justices at *westminster*, that after the issuing of our said writ the aforesaid J. had satisfied us for his fine and Redemption by occasion of the Trespasse aforesaid: And therefore we command you, that you altogether forbear from any further requiring, outlawing, or in any thing molesting the aforesaid J. by occasion of the Premises, witneße &c.

Greeting.

Greeting. Whereas lately by our writ we commanded you, that you should have &c. (reciting the writ) yet because it sufficiently appears to our Justices at Westminster that the aforelaid Writ of *Habeas corpora*, from our Court aforelaid issued very unduly and erroneously, Therefore we command you, that you altogether forbear from executing the aforelaid writ of *Habeas Corpus* in any thing, or from returning it before our Justices at the aforelaid Assizes at the aforelaid (such a day witnesse &c.

Superfedeas
upon a Habeas
Corpora at
the Assizes.

Greeting. Whereas lately we commanded you by our writ, that you should cause to be required J. F. lately of &c. from County to County, untill according to the Law and custome of our Realm of *England*, he should be outlawed if he appeared not, and if he appeared, then you should take him and safely keep him, so that you might have his body before our justices at *Westminster* at a certain day yet to come, to answer *F. B.* of a plea, that he render him six pounds which he owes him, and Unjustly detains as he saith, yet because before the issuing of our aforelaid Writ of *Exigent*, the aforelaid J. by *N. R.* his Attorney, was ready in our same court, and often times offered himself to answer the aforelaid *F.* of the aforelaid Plea, and to our Writ aforelaid against him issued unadvisedly, therefore we command you, that you altogether forbear from any further requiring, outlawing, taking, or in any thing molesting the aforelaid J. by occasion of the premises. witnesse, &c.

Superfedeas
to an Exigent
quia improvi-
de, &c.

Greeting. Whereas &c. (as in the next before) yet because before the issuing of our aforelaid writ of *Exigent*, the aforelaid *F.* by *D. R.* and *N. I.* who are admitted by our Court to prosecute for the same *F.* being within age as the Guardians of the same *F.* was Ready in our same Court, and oftentimes offered himselfe &c.

Superfedeas
for an Infant
admitted by
Guardian.

Greeting. whereas we lately commanded you by our writ (reciting the *Exfa*) yet because after the issuing of our aforelaid writ from our court aforelaid, the aforelaid *E.* by *C. D.* his Attorney in our said Court appearing, said, that he is a Batchelor of Art, and in present a student of the University of *Oxford*, and by that reason is of the society of that University, and that the perpetuall cognizance, and finall decision of the like pleas, do belong to the Chancellor of the said University and his Successors, and to their Vice-Chancellor or his Commissary, or he that holds his place, by vertue of the privileges from our progenitors in times past Kings of *England*, out of especiall Grace and Favour amongst other things granted to the aforelaid University of *Oxford*, and by us confirmed praying the Privileges aforelaid may be allowed unto him; as unto a person

Superfedeas
for a Schollar
of the Univer-
sity.

priviledged of the Univerſity aforeſaid, and he brings into our ſame court, the Letters of *W. I.* Doctor of Divinity, Vice-Chancellor of the Univerſity aforeſaid, teſtifying the premies directed to our juſtices at *Westmiſter*, by which the ſame Vice-Chancellor challengeth the Cognizance of the plea aforeſaid, And therefore we command you that you altogether forbear from any further requiring, outlawing, taking, or in any wiſe moleſting the aforeſaid *E.* by occaſion of the premies, telling the aforeſaid Plaintiff, that he be before &c. at the aforeſaid Term, to ſhew if he have any thing for himſelf, or know to ſpeak any thing, wherefore the Liberties and Priviledges aforeſaid ought not to be allowed to the aforeſaid *E.* and that you have,
&c.

Superfedeas,
where the De-
ſendant was a
Knight, and na-
med Eſquire.

Greeting. Whereas lately by our writ we commanded you, that you ſhould cauſe to be required *E. D.* lately &c. Eſq; otherwiſe called *E. D.* of &c. Eſq; &c. yet becauſe before the iſſuing out of our aforeſaid writ of Exigent, one *E. D.* of &c. Knight, ſaying that he is the ſame perſon againſt whom the aforeſaid Plaintiff brought his VVrit aforeſaid by the name of *E. D.* of &c. Eſquire, otherwiſe called *E. D.* &c. And that he; before the day of the obtaining the original writ of the aforeſaid Plaintiff, had taken upon him the order of Knight-hood, and now remains a Knight, ſaving unto himſelf all and all manner of Advantages, Exceptions and Allegations to the writ aforeſaid, by *S. M.* his Attorney, was ready in our ſame Court &c.
(as in others:)

Superfedeas to
a Capias ut le-
gatum,
where the out-
lawry is rever-
ſed for the in-
ſufficiency of the
Exigent.

Greeting. Whereas we lately commanded you by our writ, that you ſhould not omit for any liberty of your Bailiwick; but that you ſhould take *F. B.* &c. outlawed in *London*, on munday, &c. (ſuch a year) at the ſuit of *J. P.* Eſquire, of a plea of Debt whereof he is convict, if he be found in your Bailiwick, and him ſafely keep, ſo that you might have his Body before our Juſtices at *Westmiſter*, at a certain day then to come, to do and receive what our Court ſhall conſider of him on that behalf, yet becauſe it ſufficiently appears to our Juſtices at *Westmiſter*, that the outlawry aforeſaid promulged and had on the aforeſaid *F.* for the inſufficient Return of our writ of Exigent, upon which the aforeſaid *F.* in Form aforeſaid is outlawed, is altogether void and of no force or effect in the Law. If the Debt be ſatisfied, then thus, (and that the aforeſaid *J.* is ſatisfied, as well of a certain debt of a hundred pound, parcell of a certaine debt of two hundred pounds, which the ſame *J.* in our Court before our Juſtices at *Westmiſter*, hath recovered againſt him, as of ſixty ſhillings which to him the ſaid *J.* in our ſaid Court were adjudged for his damages which he had by occaſion of the detention of that debt whereof he is convict; for which ſaid Debt and Damages, the aforeſaid *F.*
at

at the suit of the aforesaid *J.* in form aforesaid, stands outlawed) and therefore we command you, that you altogether forbear from any further taking, arresting, imprisoning, or in any thing to molest the aforesaid *F.* by occasion of the premises, and if him the said *F.* upon that occasion and not otherwise you have taken, then him the said *F.* you permit to go at large, undergoing the danger &c. witness.

Greeting: Whereas lately we commanded you by our writ, that you should not omit &c. on that behalf, yet because we, by a certain Act in our Parliament held at *Westminster* (such a day and year) the outlawry aforesaid, on him the said *I.* in form aforesaid proclaimed and had, we have pardoned to him the said *J.* and have granted unto him thereupon our firm peace, yet so that the aforesaid *J.* should prosecute our writ of *Scire facias*, against the aforesaid *T.* to warn him the said *T.* of being in our Court before &c. to prosecute against him the said *J.* his plea aforesaid, if he will: And the same *I.* hath prosecuted in our said Court before &c. our writ of *Scire facias*, to warn the aforesaid *T.* of being in our said Court (such a Return) to prosecute against him the said *J.* his plea aforesaid if he will, according to the Form of the Statute aforesaid; as it fully appears upon Record to our Justices aforesaid: And therefore we command you, that you forbear from any further taking, arresting, imprisoning, or in any thing to molest the aforesaid *J.* by occasion of the premises &c. witnesse, &c.

Superfedeas upon a generall pardon.

Greeting. Whereas we lately commanded you by our Writ, &c. (untill on that behalfe) yet because it sufficiently appears upon Record to our Justices at *Westminster*, that the aforesaid *A.* hath satisfied him the said *B.* as well of a certaine debt of ten pounds, which he the sayd *B.* in our Court, &c. as of forty shillings, which &c. whereof he is convict; for which said debt and damages, the aforesaid *A.* at the Suit of the aforesaid *B.* in forme aforesaid, stands outlawed: And we by a certaine Act in our Parliament, held, &c. (as above) have pardoned to him the said *A.* and have thereupon granted unto him firme peace: And therefore we command you that you altogether forbear from taking, &c. by occasion of the Outlawry aforesaid, &c.

The like after satisfaction.

YEt because the aforesaid *A.* a certaine debt of ten pounds which the aforesaid *B.* in our Court, &c. as forty shillings, which, &c. whereof he is convict (for which sayd debt and damages, the aforesaid *A.* at the Suit of the aforesaid *B.* in forme aforesaid, stands outlawed) hath payed into the hands of *R. B.* chiefe Prothonotary of our Court of Bench, to satisfie the aforesaid Plaintiff of the debt

Otherwise, where the Defendant hath payd the debt and damages into the hands of 12 Prothonotary.

and damages aforesaid, which sayd debt and damages in the hands of him the sayd *R. B.* remaine. And we by a certain Act, &c.

*Superfedeas
to an Attach-
ment of Privi-
ledge.*

Greeting, Whereas lately, &c. that you should attach, &c. So that you have him before, &c. to answer *A. B.* one of the Attorneys, &c. of a Plea of debt; yet because it sufficiently appeares to our Justices at *Westminster*, that the aforesaid *W.* appeared in our said Court in his proper person, and found sufficient Mancaptors to answer the aforesaid *A.* of the aforesaid Plea: Therefore we command you that you altogether forbear from any further taking, &c. And if him upon that occasion, and not otherwise, you have taken, then him you shall permit to go at large, undergoing the danger.

*A writ of Re-
stitution of
Goods after an
Outlawry re-
versed.*

TO the Escheators of our County of *Yorke*, and to our Sheriff of the same County, as also to all Mayors, Bailiffs, and other our Ministers in our said County; as well within the Liberties as without, Greeting: Whereas lately by our Writ we commanded our Sheriff of *York* that he should not omit for any Liberty of his County, but by the oath of honest and lawfull men of, &c. he should diligently inquire what Goods and Chattels, Lands or Tenements *T. W.* hath, or had in his Bailiwick (such a day and yeare) or at any time afterwards, on which day he was outlawed in *London*, at the Suit of *R. H.* of a Plea of debt whereof he is convict, as our Sheriffs of *London* have returned to our Justices at *Westminster*, at a certain day now past; and the same by their oath should cause to be extended and apprized according to the true value of them; and the same which by that Inquisition he should finde, he should seize into our hands, and should cause to be safely kept, so that of the true value and issues of them he should answer us; and the same so extended and apprized, what he should thereupon doe, he should make appeare to our Justices at *Westminster* at a certain day now past. And for that that the same *T.* outlawed, lies hid and lurks in our said County of *Y.* in our contempt, and the prejudice of our Crown as we had heard, to him the said then Sheriff we commanded that the aforesaid *T.* wheresoever in his Bailiwick, as well within as without he should happen to finde, he should take and keep safe, so that he might have his body before, &c. at the aforesaid Terme, to doe and receive, &c. on that behalfe, yet because it sufficiently appeares to our Justices, &c. nor effect in the Law, &c. Therefore we command you and every of you, that of any Goods, &c.

Whereas

WHereas lately we commanded you by our Writ, that whereas *R. H.* lately in our Court, before, &c. had recovered against *W. B.* his Terme yet to come, of and in one Messuage, &c. with the appurtenances in *B.* which *C.* (such a day and yeare) demised to the aforesaid *R.* to hold to him, &c. which is not yet past; and whereof the aforesaid *VV.* him the said *R.* from his possession of the Tenements aforesaid with the appurtenances he had expelled and amoved, and him the said *R.* from his Farme aforesaid had ejected, that you should cause to be had to the aforesaid *R.* his possession of his terme aforesaid of and in the Tenements aforesaid with the appurtenances without delay: And in what manner that our Precept should be executed, he should make appeare to our Justices at *Westminster* at a certaine day now to come, and also that he take the aforesaid *W.* if, &c. at the aforesaid Terme, to satisfie the aforesaid *R.* of six pounds, which, &c. whereof he is convict; yet because it sufficiently appeares to our Justices at *Westminster*, that our Writ aforesaid issued out very unduly and erroneously, for that before the issuing of our aforesaid Writ, to you in that behalfe directed, to wit (such a day and yeare) our certaine Writ of Correcting of Errors, of and upon the Judgment aforesaid, to our beloved and faithfull *Henry Hobart* Knight and Baronet, our cheife Justice of our Bench directed, and before us wheresoever we should then be in *England* (such a day next to come) returnable by our same cheife Justice was allowed: Therefore we command you that from whatsoever Execution by vertue of our aforesaid Writ, you altogether forbear; and if him the said *W.* by vertue of our aforesaid Writ, from the possession of the Tenements aforesaid with the appurtenances you have amoved, then him the said *W.* to the possession of the same Tenements with the appurtenances, without delay you restore; and if him the said *W.* upon that occasion, and not otherwise, you have taken, &c. you permit him to go at large, undergoing the danger, &c.

Superfedeas
to an Habere
facias posses-
sionem, for
that a writ of
Error was al-
lowed before
the issuing
thereof.

Greeting. &c. (as in others before) you altogether forbear, &c. And if any inquisition you have made by vertue of the writ aforesaid, or that writ in any thing, or in the whole you have executed, then that inquisition, and all that you have done by vertue of the writ aforesaid in your hands as void you shall detain by no means, returning the Writ aforesaid, before our Justices at *Westminster*, undergoing the danger, &c.

Superfedeas
to a writ of
Inquiry.

WHereas lately by our VVrit we commanded you, that you should know that *A.* in our Court, before &c. had recovered his seizin against *B.* of one Messuage &c. with the appurtenances

Superfedeas
to a writ of
Scisin.

nances in D. by our writ of Entry upon disseizin in the *Quibus*, by which we commanded you, that you should cause to be had to the aforesaid *A.* full seizin of the Tenements aforesaid with the appurtenances without delay, and in what manner that our precept should be executed, you should make appear to our Justices at *Westminster* (such a Return) yet because before the issuing of our aforesaid writ of seizin against the aforesaid *B.* it sufficiently appears upon record to our Justices at *Westminster*, by due Examination made on that behalf, that our aforesaid writ of seizin against the aforesaid *B.* issued out unadvisedly: And therefore we command you, that you altogether forbear from any manner of execution, by reason of our aforesaid writ of seizin to the aforesaid *A.* against the said *B.* and if him the said *B.* by vertue of our aforesaid writ of seizin, from the possession of the Tenements aforesaid you have removed, then him the said *B.* to the possession of the same Tenements with the appurtenances without delay you do restore, and in what manner &c. at the aforesaid Term &c. and that you have &c. witness &c.

*Supersedeas
upon a Mag-
num cape in
Formed on.*

G*reeting.* Whereas we lately commanded you by our writ, that you should take into our hands by the view of lawful men of your County, the moiety of five acres of Land with the appurtenances in *H.* which *J. P.* and *C.* his wife in our Court before our Justices at *Westminster*, claim as their Right against *I. W.* and *S.* his wife by our writ of form of Gift in the *Descendre*, and the day of the taking you should make known to our Justices at *Westminster* (such a Return) to answer and shew wherefore they were nor before, &c. in eight dayes of Saint *Hillary*, as they were summoned, yet because it sufficiently appears upon Record to our Justices at *Westminster*, that before the issuing of our said writ, the aforesaid *J. W.* and *S.* by *J. T.* their Attorney, appeared in our said Court, and were had thereupon at the same eight dayes of Saint *Hillary*, so that our writ aforesaid of *Magnum cape* from our said court against the aforesaid *I. W.* and *S.* issued forth very unduely and erroneously. Therefore we command you, that you totally forbear from doing any manner of Execution of the same writ of *Magnum cape*, and in what manner you shall execute that our precept, you shall make appear to our justices at *Westminster* (such a Return, and that you have, &c.

*Supersedeas
to a writ of
Returno ha-
bendo.*

G*reeting.* Whereas we lately commanded you by our writ, that the Cartell of *W. B.* without delay you cause to be returned to *T. B.* and the same at the complaint of the aforesaid *W.* you should not redeliver without our writ, which should make expresse mention of the aforesaid judgement: And in what manner you should execute that our writ you should make known to our justices at *Westminster* at a certain day then to come, yet because the same *W.* in our Court be-

before &c. (such a return last past) on which day the aforesaid writ of *Retorno habendo* issued, appeared, and by *I. H.* his Attorney offered himself to declare against the aforesaid *T.* in the plea aforesaid. And so our writ aforesaid from our aforesaid Court surreptitiously gotten, unadvisedly issued, And therefore we command you, that you altogether forbear from taking and returning of the cattell of the aforesaid *W.* by vertue of that writ to the aforesaid *T.* by occasion of the premises, and in what manner &c.



Venire Facias.

THe Keepers &c. Greeting. We command you, that you cause to come before our Justices at *Westminster*, (such a Return) twelve free and lawfull men of (such a visenage) whereof each hath four pounds by the Yeare at the least, of Land, Tenements, or Rent, by whom the truth of the matter may the better be known, and who neither the (plaintiff) nor (the Defendant with his Additions) touch by any affinity, to make a certain jury of the country between the parties aforesaid (of such a plea) because as well the same Defendant as the aforesaid Plaintiff, between whom the contention thereupon is, have put themselves upon that jury, and that you have there then the names of the jurors and this writ, witness &c.

Venire facias

AS Before, and that you have there the names of the jurors and this *VV*rit, provided alwaies that if two writs shall thereupon come unto you, you return only one of them before our foresaid justices at *VWestminster* at the aforesaid Term witnesse &c.

*Venire facias
witha Proviso.*

Greeting. We command you that you cause to come before &c. (such a Return) twelve, as well citizens as other free and lawfull men of the visenage of the parish of *Saint P.* in the ward of *C.* whereof one moiety to be of natives, and the other Moiety to be of Strangers born in the parts of *Flanders* under the obedience of the Duke of *B.* whereof each hath a hundred shillings by the year at the least of land, Tenements, or Rent, by whom &c.

*Venire facias
de medietate
Linguz.*

And

Venire facias
upon an Issue,
tryable in the
two Counties.

AND who neither, the (Plaintiff) (nor the Defendant) touch not by any affinity to take Cognizance upon their oath; together with the Jurors of the county of *S.* of the Visenage of *W.* in the county of *S.* if &c.

Venire facias
upon an Audi-
ta querela,
Mich. 19 & 20
Eliz, rot. 1189

TO the Sheriffs of *L.* greeting. Whereas upon the greivous Complaint of *E. Wignell*, that whereas, &c. (reciting the writ of *Audita querela*) untill, And we willing thereupon to do what is just, have commanded our Justices at *Westminster*, that hearing the complaint of him the said *J.* and calling before them the Parties aforesaid, and hearing to this thereupon their Reasons to him the said *E.* they should do full and speedy justice as of Right, and according to the Law and custome of our Realme of *England*, should be done, and because, it is not known whether the Allegation of the aforesaid *E.* be true or no, we command you, that you cause to come before &c. (such a Return) the aforesaid Defendants upon the premises, to answer, and further to do, and receive what our same justices shall seem fit to consider of, and that in the mean time you altogether forbear from further making any manner of Execution by reason of the Recovery aforesaid, by whatsoever writ of ours to you directed, and that you have there the names of the Pledges and this writ, witness, &c.

Venire facias
in Audita
querela against
an Executrix,
who prosecuted
an Elegit,
where the Te-
stator had by
his writings re-
leased the debt
and damages.

Greeting. The complaint of *I. Arundell*, lately of &c. we have received, containing that *I. M.* widow which was the wife and Executrix of the Testament of *R. M.* of &c. by collusion forehad at the village of *VV.* to illude our Court, and plotting the aforesaid *I.* greatly to oppresse, lately before our justices complained, that whereas *I. A.* by the name &c. was bound and firmly obliged to the aforesaid *R.* in forty seven pounds to be paid to him the said *R.* or his certain Attorney, at a certain day, as the same bill obligatory more plainly appears, and after the aforesaid *R. M.* in our Court before &c. had impleaded him the said *I. A.* and recovered the aforesaid forty seven Pounds by vertue of the same writing obligatory, and five marks for his costs in that behalf by us assessed: And although afterwards, that is to say, such a day and Year, the same *I.* at *B.* in the county of *G.* had paid the aforesaid *R. M.* as well the aforesaid 47 l. as those five marks to by us assessed, and the same *R. M.* by the name &c. by his writing of Release, which the same *J. A.* brings into our said Court with the seal of him the said *R. M.* signed, whole Date is the same day and Year at *B.* aforesaid made, did acknowledge &c. (as in the Release *Verbatim*) as in the said writing of Release more fully is contained, and afterwards the aforesaid *R. M.* constituted and ordained the aforesaid *J. M.* to be his Executrix, and

and the same *R. M.* died, after whose death, the aforesaid *I.* administered all the Goods and chattells which were the aforesaid *R.* at the time of his death, as Executrix of the Testament of the same *R. M.* and for that the aforesaid Executrix hath prosecuted our certain writ of *Elegit* to the Sheriff of *G.* directed, by vertue of which said writ, the same Sheriff had delivered to the aforesaid *I.* the moiety of all the Lands and tenements which the same *J. A.* had at the time of the judgement thereupon rendred, and all the goods and chattells of the same *J. A.* besides his Oxen and cartell of his plough, to hold the moiety of the Lands and Tenements to the aforesaid Executrix as her freehold, according to the form of the Statute in that case published and provided, untill the same Executrix should be fully satisfied and paid of the aforesaid fifty pound six shillings and eight pence, falsly and maliciously procured to his the said *J. A.* no small losse, and the manifest deceiving of our court, upon which the same *J. A.* implored us that we would administer to him a fit remedy in that behalf, upon which we commanded our Justices at *Walsingham*, that hearing the complaint of him the said *J. A.* in that behalf, and calling before them the aforesaid *J. A.* and hearing thereupon the reasons of the parties, to him the said *J. A.* they should cause to be made full and speedy justice as of right, and according to the Law and custome of our Realm of *England*, shall seem meet to them to be done. And because the aforesaid writting of release in our court before &c. was seen, and to them the said Justices shewn, we command you, that you cause to come before &c. (such a Return) the aforesaid *I.* to answer, and further to do and receive what our said Justices shall see fit to be considered of, and in the mean time that you altogether forbear from making further any manner of Execution by vertue of the recovery aforesaid by whatsoever our writ to you directed, and that you have there then the names of the pledges, and this writ, witnesse, &c.

Acting. Whereas *R. S.* and *C.* his wife in our Court &c. demanded against *R. Bishop of Winchester*, and *J. G.* the maner of *for* with the appurtenances in *L.* by our writ of form of Gift in the *Disceudre*, and the same Bishop and *I.* came into our same court and called thereupon to warranty *H. M.* son and heir of *T. M.* Knight (which said *H.* is within age as they say) to be summoned in your county when the same *H.* should come to his lawfull age, praying for that the same *H.* was within age, that that plaint may remaine untill the full age of him the said *H.* unto which the aforesaid *R.* and *C.* by replication said that the aforesaid *H.* was of full age, praying the same *H.* may be seen in the same court, and therefore we command you, that you cause to come before &c. (such a Return) the aforesaid *H.* that by the aspect of his body it may appear to our same

A Venire fac.
of one within
age upon a
voucher in
Formedon.
Hilary Term
21 H. 7. rot.
343.
Note, that the
Infant which
was vouched,
was in ward
to be King, but
nothing of that
in the writ.

Ju-

Note if the Sheriff return Non est inventus, then an Alias shall be made. Venire facias to the two, voucher being within age.

Justices, whether the same H. be of full age or no, and that you have there then this writ, warrant, &c.

Calling. Whereas T. W. and A. his wife in our court &c. demanded against W. S. which K. P. otherwise in our same court call to warranty, and who warrants unto him one message with the appurtenances in K. as the right of her the said A. the same W. S. afterwards came into our said court, and further called to warranty A. W. and M. W. Daughters and heirs of T. W. who are within age as they lay, praying that that plaint may remaine untill the full age of them the said A. and M. to which &c. (as above) &c.

A Venire fac. to the Keeper of the Pallace at Westminster, for Officers and Attornyes to inquire of misprisions of the Court.

J M. B. S. &c. To the Keeper of our Pallace at Westminster greeting. We command you, that you cause to come before our Justices at Westminster on tuesday next after the morrow of All soules, twelve, as well officers in the Bench, as of other clerks and attornyes in the same Bench, being to inquire of and upon all manner of falsities, rasures, contempes, misprisions and other offences in the same Bench by whomesoever committed; and further to do what our court then there shal see meet to be done, and that you have therewith the names of the aforesaid Officers, Clerks, and Attornyes, and this writ, warrant &c. to be delivered the ninth day of October, in the year of our Reign of England, France, and Ireland, the fifth; and of Scotland the forey first (by the court) *Brownlow.*

The Return.

The Execution of this writ appears in a certain pannel to this writ annexed.

The answer of John Phillips, keeper of the Pallace within written.

The names of the Officers, Clerks and Attornyes of the bench, to inquire of and upon all manner of falsities, rasures, contempes, misprisions and other offences in the same Bench committed.

Richard Page.

Thomas Walter.

Anthony Milington.

Thomas W. C. S.

William Dean.

Thomas Gutteridge.

Adrianus Mathew.

Christoforus Thacker.

John Darwich.

John Style.

William Pryn.

Nicholas Parker.

Thomas Thompson.

William H. S. S.

John Derington.

Henry Plumb.

John Goudsbrough.

John Malloves.

William Koth.

James Boyse.

Thomas

Thomas Carver, clokes uoy (Ric Anthony Dawley) and two
 William Bonny, of the view of two messuages &c. which
 Edward Makyn, of the view of two messuages &c. which
 Nicholas Gaybour, of the view of two messuages &c. which
 Thomas Salter, of the view of two messuages &c. which



View.

TO the Coroners in the county of B. greeting. we command
 you, that justly and without delay, you cause to be had to
 W. P. Gentleman, the view of two messuages &c. which
 E. B. Esquire in our court before &c. claims as his right
 and inheritance by our writ of Right, because the cheife Lord of that
 fee, hath remised to us his courtes and sell four Knights of those who
 were present at that view, that they be before &c. from the day of
 Easter in fifteen dayes, to testify that view, and that you have there
 the names of the foresaid four Knights, and this Writ. witnesseth
 &c.

*View in a writ
 of Right.*

*Not, that upon writ of rights between Sallow and Lowson of two parts
 of the custody of the Hay of C. the view was prayed, and the writ was
 to have view of two parts &c. and it was held bad, for the view lies not
 of parcell, and a new writ was granted of the whole hay.*

TO the Sheriff of N. Greeting. We command you, that you just-
 ly and without delay you cause to be had to E. D. the view of
 one messuage with the appurtenances in P. whereof E. which was
 the wife of P. S. in our Court before our Justices at Westminster,
 claims a third part against him by our writ of Dower, whereof shee
 hath nothing. And tell foure Knights, &c. (as in the next be
 fore)

*Vi ew dow-
 er.*

Venditioni exponas.

Greeting. We command you that those twenty Weathers
 shorn, of which, each you cause to be apprized at two shil-
 lings, and the hundred Bwes shorne, of which you have cau-
 sed to be apprized; each at twelve pence of the Goods of
 J. C. of F. in your county Elquire, which you tooke. and remaine in
 your hands unfold for want of buyers, as you your selfe returned to
 our

*Venditioni ex-
 ponas.*

our Justices (such a return last past) you expose to sale, and the money thereof which in the whole amounts to seven pounds you have before &c. (such a Return) do tender the Plaintiff, which to him the said Plaintiff in our court before &c. were adjudged for his damages which he had by occasion of a certain Trespasse to him by the aforesaid Defendant by force and armes and against our peace at S: in your county brought, whereof he is convicted, and that you have &c.:



Withernam.

The entry of a Capias in Withernam the same Term when the Sheriff returns a Nichil. Mich 22 H. 7. rot. 403.

AT which day here came the aforesaid T: in his proper person, and offered himselfe the fourth day against the aforesaid W: of the aforesaid Plea; and he came not, and the Sheriff now returns that the aforesaid W: had no cattell to the value of the cattell aforesaid, in his Bailiwick which he could take in Withernam, nor hath any thing in the Bailiwick of him the sayd Sheriff by which he can be attached; Therefore command is given to the Sheriff that he take the aforesaid W: if &c. and safely &c. so that he might have his Body here (such a Return) to answer as well our Lord the King of the contempt to him the said Lord the King, as the aforesaid T: of the Damages and injuries to him in that behalf brought &c. At which day, here came the aforesaid T: by his attorney aforesaid, and the Sheriff sent not the writ, therefore as formerly he is to be taken, that he be here (such a return) to answer in form aforesaid. &c.

Note that in this case Capias, Alias, and Plures shall be awarded, and Exigent;

Capias in Withernam after the Declaration quashed, for that the taking was in another county then where the writ was prosecuted

Considering. Whereas T. L. was attached by our writ of second deliverance of being in our court before, &c. to answer W. A. of a plea, Wherefore the same T. (such a day and year) at S. in the county of H. in a certaine place called S. took the cattell, that is to say &c, and them unjustly detained against sureties and pledges, yet because it manifestly appears to the same Justices, that S. aforesaid is without your county, in which county the writ aforesaid, and the whole processe thereupon made and had, were prosecuted: For which it was considered in our said Court, that the Declaration aforesaid should be quashed. And that the aforesaid T. should goe without day, and that he should have returne of the cattell aforesaid to hold to him irrepleviabie for ever, by which we commanded you, that the cattell aforesaid to the aforesaid T. without delay you should

should cause to be returned, and in what manner that our Precept should be executed, you should make appeare to our Justices at *Westminster* on the morrow of *All-soules* last past; and you at that day returned to our Justices at *Westminster*, that the Cattell aforesaid were removed afar off by the aforesaid *W.* to places unknown unto you: So that those Cattell to the aforesaid *T.* you could not cause to be returned. And therefore we command you, that of other Cattell of him the said *W.* in your Bayliwick, to the value of those cattell which to the aforesaid *T.* in our said Court were adjudged in *Withernam*, you take, and them safely and securely you cause to be kept, untill the cattell of him the said *W.* to the aforesaid *T.* in our aforesaid Court formerly adjudged, you may deliver; and put by sure and safe Pledges, the aforesaid *W.* that he be before, &c. (such a Return) to answer us as well of the contempt to us, as the aforesaid *T.* of the damages and injuries to him on that behalfe brought. And in what manner that our Precept you shall execute, you shall make appeare to our Justices at *Westminster*, at the aforesaid Terme. And that you have this Writ, &c.

See more relating to this Title in *Retorno Habendo*.

The Keepers, &c. To the Sheriffe of M. Greeting. Whereas we lately commanded you that you should take the Cattell of *J. B.* in *Withernam*, for other Cattell of his the said *J. B.* taken, and to him the said *J.* replevied; and from the return of *J. S.* for default of the aforesaid *J.* in our Court before, &c. were adjudged essoyned, as you your selfe otherwise returned to our Justices at *Westminster*, and to him the said *J. S.* you should deliver to be deteyned untill the aforesaid other Cattell formerly taken you might return. And after the same Cattell of him the said *J.* you had so delivered, the same to the aforesaid *J.* you should not deliver without our Writ, which should make expresse mention of the aforesaid Judgement, and in what manner he should execute this our Precept, he should make manifest to our Justices at *Westminster*, from the day of St. *Michael* in three weeks, and that he should put by Sureties and safe Pledges, the aforesaid *J.* that he be here to answer us as well of the contempt and prejudice to us, as the aforesaid *J. S.* of his damages and injuries to him in that behalfe brought; yet you at that aforesaid three weeks from the day of St. *Michael*, returned to our Justices at *Westminster*, that the aforesaid *J.* had no Cattell in your Bayliwick which you could take in *Withernam*, nor that the aforesaid *J.* had any thing within your Bayliwick by which he could be attached, according to the forme of that Writ. Therefore we command you that you take the aforesaid *J.* if &c. So that &c. (such a Return) to answer as well us of &c. as the aforesaid *J. S.* of his damages and injuries to him in that behalfe brought. And that you have, &c.

Capias i. *Withernam*.

Greeting

Capias in Wi-
thernam after
a Demurror
upon a Bar ad-
judged.

Creeting. Whereas wee lately commanded you by our writ,
Whereas the Defendant was attached by our writ of second deli-
verance to answer the Plaintiff, for that he (such a day and years,
&c.) at C. in a certaine place called H. he took the Cattell, that is
to say, two Cowes of him the said Plaintiff, and them unjustly de-
tained against Sureties and Pledges. The same Defendant in our same
Court appearing, for certaine reasons by him alleadged, as the Bailif
of B. S. Knight, acknowledged the taking of the Cattell aforesaid in
the aforesaid place called H. to be just. To which the aforesaid Plain-
tiff, a certaine matter of Law insufficient in barre of the acknowledg-
ment aforesaid had alleadged, for which it was considered in our
same Court, that the aforesaid Plaintiff should take nothing by this
writ aforesaid, but should be in mercy for his false claime: and that
the aforesaid Defendant should goe without day, and should have
return of the Cattell aforesaid, to hold to him for ever irrepleviable.
And that the Cattell aforesaid you should without delay cause to be
returned to the aforesaid Defendant to hold to him irrepleviable for
ever: and in what manner, &c.



Fines.

ESex. ff. Command I. S. and M. his wife, that they
justly &c. hold Covenant with N. P. and J. D. Gentle-
men, of tithes of Haywood and Underwood; with the Ap-
purtenances in H. And unlesse, &c.

And the agreement is such; that is to say, that the aforesaid J.
and M. have acknowledged the aforesaid Tithes, with the ap-
purtenances, to be the right of the said N. and J. as those which the
said N. and J. have of the gift of the said I. and M. and these they
have remised and quite claimed from them and their Heires to the said
N. and J. and the heires of him the said N. for ever. And moreover
the said I. S. and M. have granted for them and the Heires of the
said I. S. that they will warrant unto the said N. and J. D. and the
Heirs of the said N. the said tithes, with the appurtenances, against
them the said I. S. and M. and the Heirs of the said I. S. for ever, and
for this, &c.

Taken, &c.

And

And the agreement is such, that the aforesaid C. hath acknowledged the tenements aforesaid, with the appurtenances, to be the right of the said G. as those which the said G. hath of the gift of the aforesaid C. and those he hath remised and quite claimed from him and his Heires to the aforesaid G. and his Heirs for ever. And moreover the said C. hath granted for him and his heirs, that he will warrant to the aforesaid G. and his Heirs the aforesaid tenements, with the appurtenances against all men for ever. And for this acknowledgment quite Claim, Warrantie, Fine, and agreement, the said G. hath granted to the aforesaid C. the aforesaid tenements, with the appurtenances, and those hath rendred to him: To have and to hold to him the said C. and his Heires of the chiefe Lord of the Fee thereof, by the services, which to the tenements aforesaid do belong for ever, &c.

A Fine which pleads his own use. & is to cut off an Estate Tail, and to settle the estate againe in the Conuisor in fee simple.

Taken, &c.

And the agreement is such; that is to say, that the aforesaid C. H. and E. have granted to the aforesaid A. the aforesaid tenements, with the appurtenances, To have and to hold to him the said A. from the Feast of the Annunciation of the Blessed Virgin Mary last past, until the end of the term of 21. years, from thence next ensuing, and fully to be completely yielding and paying herefore yearly to the aforesaid C. and E. and the heires of the said E. one pepper-corn at the Feast aforesaid, during the term aforesaid if it be demanded, and two far Capons at the feast of Easter yearly during the terme aforesaid. And the aforesaid C. and E. and the heires of the said C. will warrant to the aforesaid A. the aforesaid tenements, with the appurtenances as aforesaid against them the said C. and E. and the heires of the said C. during the term aforesaid: And for this grant, Warrantie, Fine, and agreement, &c.

A Fine upon a lease of yeares.

Hertford M. **C**ommand E. B. Gentleman, S. B. Gentleman, and A. his wife, and T. G. Gentleman, and M. his wife; that they hold Covenant with J. S. Gentleman, of two Messuages, two Cottages, two Gardens, 100. acres of Land, 20. acres of Meadow, and Liberty of one Pouldage, with the appurtenances in W. and B. and unlesse, &c.

And the agreement is such, that the aforesaid E. B. S. B. R. B. and A. his Wife, and T. G. and M. his Wife, have acknowledged the Tenements and Liberty aforesaid, with the appurtenances; to be the right of him the said J. S. as those which the said J. S. hath of the gift of the aforesaid E. S. R. and A. and T. and M. and those they have

1 Moreover.

2 And further.

3 Furthermore.

4 Also.

have remised and quite claimed from them and their Heirs to the said *J.* and his heirs for ever. And moreover the said *E.* hath granted for him and his heirs, that they will warrant to the aforesaid *J.* and his heirs the aforesaid Tenements and Liberty with the appurtenances against him the said *E.* and his heirs for ever: and further the said *S.* hath granted for him and his heirs, that they will warrant to the aforesaid *J.* and his heirs the aforesaid Tenements and liberty with the appurtenances against him the said *S.* and his heirs for ever. And furthermore the said *R.* and *A.* have granted for them and the heirs of the said *R.* that they will warrant to the aforesaid *J.* and his heirs the aforesaid Tenements and liberty with the appurtenances against them the said *R.* and *A.* and the heirs of the said *R.* for ever. And also the said *T.* and *M.* have granted for them and the heirs of the said *M.* that they will warrant to the aforesaid *J.* and his heirs the aforesaid Tenements and liberty with the appurtenances against them the said *T.* and *M.* and the Heires of the said *M.* for ever, and for this, &c.

The indenture
of a fine.

This is the finall agreement made in the court of Common Bench at *Westminster*, of the Term of *Easter*, in the year of our Lord, one thousand six hundred fifty and one, before *Oliver St. John, Paleston, Peter Warburton, and Edward Adkins*, Justices, and others then and there present, between *C. A.* and *E. T.* Plaintiffs, and *G. and N.* Defendants of one messuage &c. with the appurtenances in *S.* whereupon a Plea of covenant was summoned between them in the said court, that is to say, that the aforesaid *G. and N.* have acknowledged the aforesaid Tenements with the appurtenances to be the right of him the said *C.* as those which the said *C. and E.* have of the Gift of the aforesaid *G. and N.* and those they have remised and quite claimed from them the said *G. and N.* and their heirs to the aforesaid *C. and E.* and the heirs of the said *C.* for ever. And moreover the said *G. and N.* have granted for them and the heirs of the said *G.* that they wil warrant to the aforesaid *C. and E.* & the heirs of the said *C.* the aforesaid Tenements with the appurtenances against them the said *G. and N.* and the heirs of the said *G.* for ever. And for this acknowledgement, remise, quite claim, warranty, fine, and agreement, the said *C. and E.* have given to the aforesaid *G. and N.* seventy pounds Sterling, &c.

Ind. 3. 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 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L Incolne ss. *James &c.* Whereas *T. C.* was attached by our writ of Priviledge, issuing from our Court of Bench, of being in our same court before our Justices at *Westminster*, to answer *Richard Brownlow*, cheif Prothonotary of our said Court of Bench, according to the liberties and Priviledges of the same Court for the like Prothonotaries, and other Ministers of the same bench, from time out of mind used and approved in the same of a Plea of Trespasse, for that whereas in the statute in the Parliament of the Lady *Elizabeth, &c.* (as in the Declaration word for word, untill (to our Contempt) and his the said *R* great damage, and against the forme of the statute aforesaid. In such manner in our court it is proceeded, in that the aforesaid *R*: his damages by occasion of the premises against the aforesaid *T*: ought to recover; but because it is not known what damages the aforesaid *R*: hath sustained by occasion of the Premises, we command you, that by the oath of honest and lawfull men of your county, you diligently inquire what damages the aforesaid *R*: hath sustained, as well by occasion of the premises, as of his Expences and costs by him about his suit on that behalf layd out and the inquisition which you shall thereupon make, you shall make appear to our Justices at *Westminster*, (such a day certain) under your seal and the seals of them by whose oath you have made that inquisition, and that you have there the names of those by whose oath you have made that inquisition, and this writ, witnesse, &c.

Waller.

BE it remembred, that the 12 day of May in the self same year came there into Court *F. A. Kt.* clerk of the warrants and inrollments of the court of our Lord the King, of his bench here in his proper person, and of his free accord surrendered into the hands of the cheife Justice of the Bench of the same Lord the King here, his Office aforesaid, to the use of *William Anderson*, whom the same cheif Justice here as the custome here is, freely to that Office doth admit, to have, hold, and occupy to him as his freehold according to the custome of the Court aforesaid in all times past used, and instantly him the said *William*, the corporal oth being by him before taken as the manner is of himself for the present into the same Office well and truly to be managged and executed into corporall possession of the same Office, he did put and invest, to have, hold, and occupy the same in form aforesaid with the fees, perquisites, and profits, to the same Office belonging, and anciently due and accustomed to be paid &c.

THe like in *Easter, 1 Jacobi Roll 111. A surrender made by William Anderson to Robert Davenports Hil. 4. Jacobi Roll 72. A surrender*

render by *Nicholas Adre*, made to *Godfrey Maydwell* of the Office of Philizer.

THe like in 14 Jac. Roll 706. A surrender by *George Cole* of the Office of a Philizer to *Silvester Strasfeild*.

THe grant of an Office of Philizer to *John Harvy*, Gentleman after the death of *Silvester Strasfeild*, Gentleman, Trin. 20: Roll 866.

THe Lord the King sent to his justices here his VVrit of *Mittimus*, closed together with the Tenor of a certain writ of *Dedimus potestatem*, for receiving warrants of Attorney, and the Returne of the same, as also the warrants of Attorney thereupon received in these words, *James &c.* to his Justices of his Bench greeting, The Tenor &c. and so recited the *Mittimus*, and afterwards the *Dedimus* word by word, &c.



Judiciall

JUDICIAL WRITS

Of all sorts,

Incident to the Practice of the Court

O F

UPPER BENCH,

As they are now used.

*Collected out of the Manuscripts of diverse Ancient and
Learned Clerks of that Court.*

USEFULL FOR ALL CLERKS, ATTOR-
neyes, and others, both Practisers and Stu-
dents of the Law.

*With an exact Table of all the principall mat-
ters therein contained.*

L O N D O N,

Printed by Tho: Roycroft, for Henry Twysford, and
are to be sold at his Shop in Vine-Court,
Middle Temple, 1653.



A choice Collection of Judicial Writs in the Upper Bench.

Attachment.

THE Keepers, &c. To the Sheriffs of London greeting, We com-
mand you that you attach *L.M.* Clerk, Rector of the Parish *against me for*
Church of *C.* in London, so that you have him before us in the *proceeding in the*
Upper Bench at *W.* (such a day) &c. to answer as well us of a certain con- *Spiritual Court*
tempt by him the said *L.* so us done, as *R.C.* of &c. of certain dam- *after a prohibi-*
mages and injuries done to him by the said *L.* against the tencour of our *tion.*
Writ of prohibition to the said *L.* lately directed and delivered, wheret
of the same *L.* in our Court before us is impeached, and have you &c.
witness &c. *Trin. 16. H. 8. Res. 36. The like see Mich. 14. H. 8.*

*Attachments of Privilege for the Judges, Clerks, and other Officers be-
longing to the Court of Upper Bench.*

The Keepers of &c. greeting, We command you that you attach *S.* *An Attachment*
&c. and him safely keep, so that you have his body before us in *of Privilege*
the Upper Bench at *W.* (such a return) to answer *W. P. Chief* *for the Lord*
Justice, assigned to hold Pleas in the Court before us in the Upper Bench *Chief Justice.*
at *Westminster*, according to the Liberty and Privilege for such Chief
Justice, time out of minde used and approved in the same of a Plea of
Trespas, and have you, &c. witness, &c.

To answer *L. W.* one of the Justices, assigned to hold Pleas in the *For any of the*
Court before us in the Upper Bench at *Westminster*, according to the *other Judges.*
liberty and privilege for such like Justices time out of minde, &c.
(as above.)

To answer *T. W.* our Coroner and Attorney before us in the Up- *For the Master*
per Bench, according to the Liberty and Privilege for such like *of the Crown*
Coroner and Attorney time out of minde, &c. (as above.) *Office.*

To answer *S. W.* Esquire chief Clerk of the said Keepers, assigned *For the Chief*
to inrole Pleas in the Court before us in the Upper Bench at *West-*
minster, according to the liberty and privilege for such chief Clerk *Chief Clerk.*
time out of minde, &c. (as above.)

For the Marshal
of the Upper
Bench.

THe Keepers, &c. to answer R. B. Esquire, Marshal of the Marshal-
sea of us the said Keepers before us the said Keepers in the Upper
Bench at *Westminster*, according to the liberty and privilege for
such like Marshal time out of minde, &c.

For the Mar-
shal's men.

TO answer R. M. one of the servants of R. B. Esquire Marshal of
the Marshal-sea of us the said Keepers before us the said Keepers in
the Upper Bench at *Westminster* being, according to the liberty and
privilege for such like Marshal and his Servants time out of
minde, &c.

For a Philazer.

TO answer G. D. one of the Clerks of us the said Keepers, &c. be-
us the said Keepers in the Vpper Bench, according, &c.

For a Philazer
Clerk.

TO answer A. B. one of the Clerks of &c. according to the liberty
and privilege for such like Clerk and their servants time out of
minde, &c.

For an Attorney
at large.

TO answer A. B. one of the Attorneys of the Court before us in the
Vpper Bench at *Westminster*, according &c. for such Attorneys time
out of minde, &c.

For the Cryer.

TO answer A. B. one of the Cryers of us the said Keepers before us
in the Vpper Bench at *Westminster*, according &c. for such like
Cryers of ours time out of minde, &c.

For the Chief
Justice his men.

TO answer A. B. one of the servants of C. D. Chief Justice assigned, &c.
for such Chief Justice and his servants time out of minde, &c.

For the chief
Clerk his Clerk.

TO answer A. B. one of the Clerks of S. W. Esquire, Chief Clerk
assigned to inrole, &c. for such Chief Clerk and their Clerks time
out of minde used and approved in the same, &c.

For the chief
Clerk his Clerks
Clerks.

TO answer A. B. one of the Clerks of D. E. one of the Clerks of
S. W. Chief Clerk, assigned to inrole, &c. for such Chief Clerk
his Clerks and their Clerks time out of minde, &c.

A Writ of Adjournment of the Term.

Another Writ of
Adjourn'g the
Term.

THe King, &c. To the Sheriff of N. greeting, we command you that
all and singular our Writs and Precepts to you delivered or to be
delivered and before us in eight days &c. or any other certain days
next after, &c. In the mean time having a Return, and by you to be re-
turned you detain in your power until the morrow of &c. And then you
have

have them before us wheresoever we shall then be in *England*, together with the Returns & Executions of the same and this Writ, that then we may further proceed to the prosecution of the parties in the same Writs, as of right we shall think convenient to be done in this behalf: see the Book of Entries, Proclamation made upon this Writ, and the Sheriffs return.

By vertue of this Writ to the Lord the King at the day (to wit) on the morrow &c. within contained, we signifie that all Writs, Precepts and Commands whatsoever (which before the said Lord the King, as well from the said eight dayes, &c. as in the mean time having days ought to be pleaded, prosecuted, heard, or returned, we have severally retained in our Custody, and at the said morrow &c. and before the said Lord the King we have, together with the Returns and Executions of the same, and this Writ, as within it is to us commanded, &c.

The K. &c. to his Justices assigned to take the Assizes in the County of *Amercement*.
 L. greeting, whereas we have lately commanded our Sheriff of the same County that he should distrain the Abbot of K. in the county of L. by all his Lands, &c. And that of the issues, &c. and that he should have his body before our Justices at W. (such a day) last past to answer the Prior of the Holy R. of *Norwich* of a plea that he render to him 20. l. which to him are in Arrear of the yearly Rent of 10. l. the which to him he oweth, as he saith, the same Sheriff to our said Justices at W. at that day returned that the said Abbot was distrained by cattel to the value of 10. l. whereas it is testified in our same Court on the behalf of the said Prior, that the said Sheriff of greater issues (to wit) of 20. l. might have answered to us, We command you that by the oath of honest and lawful men of the said county in the presence of the said Sheriff, if he will be there, you diligently inquire of what, and how many issues of the Lands and Chattels of the said Abbot the same Sheriff might have answered to us from the time of the receiving of the said Writ to him in our Court before our Justices at W. in 15. &c. by your Letters sealed, and have you there, &c.

The K. &c. greeting, Whereas, &c. (as above untill) of the issues, &c. *Another writ of Amercement.*
 so that the body of H. A. by him taken, and in our Prison under his custody detained, as he by his return in our Court before us formerly thereof sent hath charged himself before us at the Village of A. such a day last past to answer T. F. of a Plea of Trespass, at which day, &c. The same Sheriff (to wit) I. L. Esquire to us at that day returned that the aforesaid A. C. was distrained by cattell to the value of 10. l. whereas it is testified in our same Court on the behalf of T. F. that the said Sheriff of greater issues (that is to say) of 20. l. of the lands and chattels of the said A. C. the said Sheriff might have

A Writ of Summons at the Assizes.

have answered to us; we command you that by the oath of honest and lawfull men of the County aforesaid in the presence of the said Sheriff, if he will be there, you diligently inquire of what, and how many issues of the lands and chattels of the aforesaid *A. C.* the said Sheriff might have answered to us from the time of the receiving of the Writ aforesaid to him in our Court before us of Record delivered (to wit) the 28. day of *Nov.* (in such a year) untill the return of the same Writ, and what thereof he shall inquire you cause to appear to us at *W.* on &c. by your Letters sealed, And have you then there this Writ, witness, &c.

A Writ of Summons at the Assizes to all Justices, &c. to be present at the day of Assize.

I. R. Knight, one of the Barons of the Exchequer of the Lord the King, and *L. M. Knight* another of the Barons of the same Exchequer of the said Lord the King, Justices of the same Lord the King assigned to take all Assizes, Jurataes and Certificates before whatsoever Justices, as well by divers Writs of the Lady *Elizabeth* late Queen of England, as by divers Writs of the said now Lord the King in the County of *C.* to the Sheriff of the same *C.* greeting, We command you that you cause to come before us at the Castle of *G.* in your County on *M.* the 24. day of *I.* next to come all Writs of Assize, Jurataes and Certificates before whatsoever Justices as well by divers Writs of the said late Lady the *Q.* as by divers Writs of the said now Lord the King in your County arrayed to be taken together with the Pannels of Attachments, Re-attachments, Summons, Re-Summons with all other Instruments and Aids of those Assizes, Jurataes and Certificates whatsoever belonging, provided always that the Attachments, Re-attachments, Summons, Re-Summons thereupon be made 15 days next before the said *M.* you also cause to come before us the said *I. R. L. M. &c.* Justices of him the said Lord the King, assigned to deliver his Gaol, in your County of *N.* of the prisoners in the same, being at the said Castle on the said *Monday* all prisoners in that Gaol being together with their Indictments, Attachments, Re-attachments, Summons, Re-Summons, and all other Ministers and Aids to that Prison whatsoever belonging, and of the Neighbourhood of every Village, & place where the Felonies (whereupon the same prisoners are indicted, appealed or arrayed) were done, as well within Liberties as without 24. honest and lawfull men by whom the truth of the matter may better be known and inquired, and who are not of alliance or kindred to the said prisoners, together with four men and of that place and Village to do those things which shall then and there be enjoined on the behalf of the said Lord the King, you cause also publicly to be Proclaimed through your whole Bailwick that all those who will prosecute against the said Prisoners they then be there to prosecute against them as it shall be just; you also cause to be made known to all Justices of the Peace, Coroners, Stewards of

Lords

Lords and Peers, Escheators and Bailiffs of Liberties and Hundreds in your County, and all and singular chief Constables of every Hundred in the same County, that they be there with their Rolls, Records, and other remembrances to do those things which pertain to their Offices, and then you your self and your Under sheriff, together with his Bailiffs and Ministers be there in your proper persons to do those things which pertain to your Office; And then you have there the names of the said Justices of Peace, Coroners Stewards of Lords, & Peers, Escheators, Bailiffs and Constables, and of them whom you shall see cause to come, and by whom you caused to be known, and this precept dated at *Westminster* the 8. day of *J.* in such a year.

De Attorn fac.

Char. &c. To our Justices assigned to hold pleas before us greeting, whereas *T. a brother and heir of A.* lately in the Court before us, did appeal; *I. M.* late of *G.* in our county of *G.* Gentleman, and others of the death of the said *A. A.* once his brother, and now in the Court before us in our Chancery at *Westminster* out of the faithfull relation of divers of our faithfull Subjects, we have accepted that the aforesaid *T. A.* for the impotency of his body by reason of grievous diseases under Divine Visitation happening to our said Court before us to further prosecute the said appeal without manifest danger of present death cannot come; and we for the cause of such impotence and infirmity unwilling to hinder Justice, command you that *R. H.* Attorney of the said *A. A.* whom the said *T. A.* in our said Chancery in his behalf hath put in his place in our said Court before us in the turn and name of him the said *T. A.* further to prosecute the Appeal aforesaid in as ample manner and form; as if the said *T. A.* there should be present without difficulty you admit and receive, witness our selves at *Westminster*, &c. *P. 16. E. 6. T. 16. & H. 80.*

A writ of making one an Attournay in an appeal of murder the appellants being sick.

The Queen, &c. To her Justices assigned to hold Pleas before us greeting for certain causes us and our Counsell moving and especially for the infection of the feeblyng sickness and pestiferous ayr not only in our City of *London* and the suburbs of the same, but also in the Court of *Westminster*, and other places adjacent to the great danger of our Subjects, we therefore being willing to preserve the health of our Subjects by the advice and consent of our same Council have Ordained, that all Pleas, Writs, Bills, Processes and Precepts, and other things whatsoever which before us at *Westminster* in eight days of *St. Hilary* then next coming, or at any return days before the said 8. & 15. days of *S. Hil.* then next following ought to be pleaded and returned in the same 8. days of *St. H.* until the said 15. days of *St. H.* from *Westminster* aforesaid unto our Castle of *Harf.* in the County of *H.* are adjourned there to be heard and

A writ of adjournment of the Term to another place.

An Adjournment of the Term.

and tryed; we therefore command you, that all pleas, writs, bills, precepts and other process whatsoever before us at Westminster in the said eight days of *St. Hillary*, or any other day between the same eight days of *St. H.* and fifteen days of *St. H.* to be pleaded or returned, depending, or in the mean time shall have days untill the said fifteen days of *St. H.* from *VV.* aforesaid to our said Castle of *H.* without delay you adjourn and cause to be adjourned; And the parties in the same pleas, writs, bills, processes and precepts, and other things whatsoever thereupon, you prefix the same 15 days of *St. H.* before us at our Castle aforesaid, moreover commanding all Sheriffs, Officers, and other our Ministers whatsoever of our Kingdom of *E.* that every one of them in their custody retain all and singular the Writs, Bills, processes and precepts and other things whatsoever before us at *VV.* on the aforesaid eight days of *St. H.* or on any other day (as aforesaid) returnable or to be returned, and them at the said 15. days of *St. H.* at the said Castle of *H.* you cause to be returned, so that you at the same 15. days of *St. H.* upon the same writs, bills, processes and precepts and other things whatsoever you return, proceed, and make the process thereupon, as if those writs, bills and precepts, and other the premises in the said eight days of *St. H.* or any other day (as aforesaid) with any adjournment were returned; witness, &c.

Ca. 34.

Ca. Sa. for several damages in Trespass and Ejectment.

THe Keepers, &c. We command you that you take *R. H.* if &c. to satisfy *T. H.* of 4 l. 10 s. for his damages which he sustained as well by occasion of a certain Trespass and Ejectment of Farm done to the same *T.* by the said *R.* besides his cost, &c. of Record, We also command you that you take *T. B.* if &c. at the said day to satisfy the same *T. H.* of 3 l. for &c. (as above) of record, we also command you that you take the aforesaid *T. H.* and *T. B.* if &c. to satisfy the said *T. H.* of 8 l. 2 d. for his costs and charges by him about his Suit in this behalf laid out, whereof, &c. of record; and have you, &c.

The like in trespasss and assaults otherwise.

THe Keepers, &c. That you take *T. Miller & Rich. Bridal* if &c. to satisfy *T. Bennington* (that is to say) the said *T. M.* of 10 l. which to the same *T. B.* in the Court before the Justices of the Common Bench at Westminster were adjudged for his damages which he sustained by occasion of a certain Trespass and Assaults done by the said *T. M.* by force and arms against the publique peace at *D.* in your County, and the said *T. M.* and the said *R.* of 6 l. which to the same *T. B.* in the same Court were adjudged for his damages which he sustained by occasion of a certain Trespass likewise done to him by the said *T. M.* and *R.* by force and arms, and against the publique peace at *D.* aforesaid, whereof they are convicted, &c. And have you there, &c.

The

The Keepers, &c. greeting, whereas I. P. lately in the Court, &c. was summoned to answer *VV. B.* of a plea, wherefore he took a certain horse of the said *VV.* and him unjustly, &c. and Sureties, and the same *W.* made default, whereupon it was then and there considered of, that the said *I.* should go thereof without day, and that the same *W.* and his pledges of prosecuting should be in mercy, and the aforesaid *I.* should have return of the horse aforesaid; by which, as before, we commanded you that the horse aforesaid to the said *I.* without delay you should deliver. And also at the complaint of the said *W.* you should not redeliver without our Writ, that should make express mention of the said Judgement, or you should signifie to us the cause wherefore you would not or could not execute our Command formerly thereupon to you directed, yet you despising our Command, the horse to the said *I.* to be returned or the cause wherefore you would not or could not do it to us, to signifie hitherto not caring in manifest contempt of us and of our command aforesaid of which we wonder very much and are moved, by which we commanded you that without delay you should cause to be returned to the said *I.* the horse aforesaid, and him at the complaint of the said *W.* you should not deliver without our Writ which shall make express mention of the Judgement aforesaid according to the tenour our Commands aforesaid formerly thereupon to you directed or that you your self should be before the Justices of the Common Bench at *Westminster* in 8. days of the holy *Trinity* last past, to shew wherefore you attempted so often not to obey our Commands thereof to you directed; and you at the said eight days of &c. to the said Justices of &c. Bench returned, that the horse aforesaid by the said *VV.* was eloynd to places unknown, so that you could not return that horse to the said *I.* and no other Writ of making the return of the said horse before the Writ aforesaid was delivered to you by which we commanded you that of the goods and chattels of the said *VV.* to the value of the horse aforesaid in your Bailwick, you should take into *Withernam*, and cause them safely and securely to be kept untill, &c. (untill the return) And you to the said Justices at *Westminster* at (such a day the return of the *Capias* in *Withernam*) returned that the said *W.* hath no goods nor Chattels in your Bailwick which you could take in *Withernam*, neither hath he any thing in your Bailwick by which he could be Attached. And therefore we command you that you take the said *VV.* if &c. and him safely &c. in eight days of *St. Michael* wheresoever &c. to answer the said *J.* of the taking, and unjustly detaining of the said horse, And have you, &c.

The Keepers, &c. to satisfie *I. H.* according to the form of the Statute lately published and provided of 4. l. to the said *I.* for his costs and charges by him about his defence in a certain Action of Trespass at the

Capias when the Sheriff returned upon a *Capias* in *Withernam* that the Defendant had no goods, &c.

Cap. 3a. for Damages for not prosecuting an action.

Capias in Withernam.

the suit of the said Plaintiff adjudged, whereof the said Plaintiff after the manner of that action did not prosecute, And have you &c.

Ca. Sa. for Damages for delay by a writ Error in Replev.

TO satisfy *I. I.* as well of 6*l.* for his damages, which he sustained as well by occasion of the taking, and justly detaining of one Mare of him the said *VV.* against pledges and sureties, and for costs, &c. expended as 3*l.* which to the said *I.* by the Court, &c. adjudged for his damages which he sustained by occasion of the delay of the execution of the damages aforesaid by reason of prosecution of a certain Writ of Error, &c.

Ca. Sa. for Damages in a false appeal.

THe Keepers, &c. greeting, we command you that you take *I. G.* of *B.* in your County Yeoman, and *A.* his wife, who was the wife of *T. B.* if &c. and them safely &c. wherefore, &c. to satisfy *R. G.* late of &c. of 20*l.* for his Damages which he sustained as well by occasion of a certain false appeal of the death of the aforesaid *T. B.* once husband of the said *A.* whereof the said *A.* whilst she was sole in the Court before us in the Upper Bench, did appeal him the said *R.* and also of the infamy, imprisonment and arrest of the same *R.* by reason of that appeal; as for his costs, &c. expended whereof the said whilst she was sole was convicted as &c. of Record, And whereof in the same Court before us in the Upper Bench, it is considered of that the said *R.* may have against the said *I.* and *A.* execution of those damages, &c. And have you there, &c. *Trin. 5. H. 6. R. 37.*

Ca. Sa. for detaining of Corn, and a distress to render the same or the value.

TO satisfy *T. L.* of 45*l.* which to the same *T.* in the same Court before us, &c. were adjudged for &c. by occasion of detaining of five quarters of Corn, whereof he is convicted, we also command you that you distrain the said *A.* by all his Lands, &c. so that, &c. untill, &c. And that you have his body before us in &c. at the aforesaid Term to render to the said *T.* the said 5. quarters of Corn, or 30*l.* for the value of the same 5. quarters of Corn, And have you there, &c.

Ca. Sa. for the moyses of land purchased against the form of the Statute.

TO satisfy *T. VV.* as well of 20*l.* of debt for the moyety of the value of one Messuage, &c. with the appurtenances situate, and being in the Village and fields of *N.* in your County purchased by him the said *VV.* against the form of the Statute thereof lately published and provided, as of 25*s.* for his damages, which &c. (as in *Capias* for debt.

A Capias in Withernam after a Damurter in Law, and a Writ. &c. for damages.

THe Keepers, &c. greeting. Whereas the Defendant was attached by our Writ of second deliverance to answer the Plaintiff of that that he (such a day, year, and place) in a certain place called *H.* took the Cartell (to wit) two Heifers of the said Plaintiff, and unjustly detained them against Pledges and Sureties; the same Defendant in the same

same Court before us in the Upper Bench appearing for a certain reason by him alledged as Bayliff of J. S. not acknowledging the taking of the Cattell aforesaid in the said place called H. to be just, to which the said Plaintiff certain matter in Law insufficient in bar of the acknowledgment aforesaid did alledge, for which it was considered of in the same Court that the said Plaintiff should take nothing by his Writ aforesaid, but should be in mercy for his false plaint; And that the said Defendant should go thereof without day, and have return of the cattel aforesaid to be detained by him irrepleviable for ever. And that you should cause the cattel aforesaid to be returned to the said defendant, to be detained irrepleviable for ever. And as that precept should be executed, you should make appear before &c. wheresoever &c. And you at that day returned to us &c. (the cattel were eloynd) And therefore we command you that of the other cattel of the said plaintiffe to the value of the said Cattel formerly taken you take in *Withernam*, and deliver them to the said Defendant to be detained by him irrepleviable untill, &c. you can cause to be returned; and put by Sureties and safe pledges the aforesaid Plaintiff, that he be before us, &c. wheresoever, &c. answer as well as of the contempt, as the said Defendant of his damages and injury done to him in this behalf; And as this our precept shall be executed, you make it appear before us, &c. at the same Term, we also command you that of the lands and chattels of the said Plaintiff in your Bailiwick you cause to be made nine pounds; and those moneys you have before us, &c. to render to the said Defendant for his damages, which he had by reason of the premises whereof he is convicted; And have you there the names of the pledges, and this Writ, &c.

The Keepers, &c. (as above in the last Writ untill these words) against pledges and sureties, yet because it manifestly appeareth to us that the said H. is out of your County, in which County the Writ and whole process thereupon had and done were prosecuted, for which it was considered of in the same Court that the Declaration aforesaid should be quashed; And that the aforesaid I. should go thereof without day; and that he should have return of the Chattels aforesaid to be detained, &c. (as in the other next above, omitting the *Fieri Facias*.)

Capias in Withernam after the Declaration is quashed, for that the Prisoner was laid in a wrong County.

To satisfy the Plaintiff of J. I. which the same Plaintiff in the Court before us, &c. recovered against him, by occasion the Defendant one T. S. servant of the said Plaintiff in his service at G. retained who from the same service before the end of the Term between them agreed without reasonable cause, and the licence of the said Plaintiff did depart in his service at S. although he from the said R. T. to the said Plaintiff there to be restored was often required to be admitted and retained a-

Cap. 34. for Damages upon the Statute of Servants.

gainst the form of the Statute in &c. provided, whereof he is convicted And have you, &c.

Ca. Sa. for a
fine in Trespass.

THe Keepers &c. We command you that you do not omit for any Liberty of your County, but that you take *l. s.* &c. to satisfie us for his fine and redemption of that to us pertaineth by occasion of a certaine Trespass done by the said *T. S.* to one *T. K.* by force and armes &c. and against the publique Peace at *S.* in your County, whereof he is convicted, and have you there &c.

Ca. Sa. for a
fine for denying
his deed.

TO satisfie us of his redemption of that which to us pertaineth, that he denied his own writing Obligatory of *10 li.* which *T.* in the Court before us &c. brought against him under the name of him the said Defendant, whereof he is convicted, And have you &c.

Ca. Sa. for the
value of a marriage.

TO satisfie *A. A.* as well of *100 li.* which the said Plantiffe in the Court &c. recovered against him for the value of the Marriage of him the said Defendant, as of *10 li.* which to the same Plantiffe in the same Court were adjudged for his costs &c. *P. 2. E. Rot. 346.*

A writ to ap-
point a Sergeant
at Law.

Greeting, because by the Advise ment of our Counsell we have ordained you to take upon you the state and degree of a Sergeant at Law 13 day of *N.* next to come. We command you and firmly injoyne that you ordaine and prepare to take upon you the state and degree aforesaid, at that day in forme aforesaid, and this you do not omit under the paine of *1000 li.* Witnesse &c.

Ca. Sa. after
judgement re-
voked, and da-
mages in the
hands of the
Plaintiffe to be
restored.

THe Keepers &c. Greeting, we command you that you take *M. I.* if &c. And him &c. to restore and satisfie *F. I.* of *3 li.* of Debt, and also *10 li.* which the said *M.* at the City of *N.* in your County before the Bayliffes of the said City by Judgement of the same Court without our Writ according to the custome of that Court against the said *F.* recovered for his damages which he sustained as well &c. expended, whereof he is convicted as by the speculation of the Record and Proceffe thereupon which before us for cause of error in the same to be corrected we have caused to come appeareth to us of Record, and we for divers errours in the Record and Proceffe aforesaid found have revoked and wholly annulled the Judgement aforesaid, and we have further considered that the said *F.* may be restored to all things which he by occasion of the Judgement aforesaid hath lost. And the said *M.* had his Execution of Debt and Damages aforesaid, by occasion of the Judgement aforesaid in our said Court of our City aforesaid rendred and of *3 li. 10 s.* aforesaid, yet is possessed as we have accepted, whereupon in the same Court it is considered of that the said *F.* may have thereof restitution, And you have there this &c.

That

That you take R. S. and I. D. Manuaptors of M. P. if &c. to satisfie Ca. 32. against A. B. of 100 li. according to the forme of a certaine Recognizance by them the said R. and I. in our Court before us to the same A. in our certaine Writ of Error acknowledged whereof the same R. and I. in our Court before us, are convicted as &c. of record. And whereupon in our said Court before us; it is considered of that the said Plaintiffe may have thereof against them his Execution. And have you there this Writ &c.

To satisfie W. S. who as well &c. of 20 li. for his Damages which he sustained as well by occasion of a certaine contempt and trespass against the forme of the Statute of those which prosecute in the Court of Admiralty lately published as for his costs and charges &c.

Ca. Sa. for damages for prosecuting in the Court of Admiralty.

To account with W. S. of the time in which he was Receiver of the Monies of him the said W. whereof he is convicted, as it appeareth to us of Record, or to render W. S. &c. his reasonable account of the time in which he was Receiver of the Monies of him the said W. S. whereupon in the same Court it is considered of that the same T. shall account with the same W. And have you &c.

Ca. to account.

The King &c. To the Sherifes of the City of Norwich, Greeting, Whereas I. T. and L. his Wife, lately in the Court before Q. H. and R. B. late Sherifes of the City aforesaid without our Writ according to the custome of the same City, recovered against M. R. 10 li. and 6 d. of Debt and one Crystall-stone and also 20 s. for their Damages to the same I. and L. as well by occasion of the detaining of the Debt aforesaid as of the said Crystall-stone by the same Court taxed whereof he is convicted as by the inspection of the Record and Proesse thereof which before us for certaine causes we have caused to come appeareth to us of Record, whereof it is considered of in the same Court before us that the said I. and L. may have Execution, And therefore we command you that you take the aforesaid M. if &c. wheresoever &c. to satisfie the said I. and L. of the Debt and Damages aforesaid we also command you that you distraine the said R. by all his Lands &c. And of the issues &c. so that he render to the said I. and L. the Crystall-stone aforesaid, and if the said M. the said Crystall-stone aforesaid to the said I. and L. shall not render then by the Oath of honest and lawfull men of your Bayliwicke, you inquire how much that Crystall-stone was worth according to the value of the same, and that Inquisition to us at the said Terme you send together with this Writ. Witnesse &c.

Ca. Sa. after a Writ of Error for part condemned and distress for the residue if &c. and if not &c. a writ of Inquiry damages for the value.

To satisfie R. C. as well of 6 li. which the said R. M. the Court before us at W. recovered against him for the value of 12 Barrells of

Ca. Sa. for the value after the distressing in de. which sinew.

Certiorar.

which formerly it was considered of in the same Court that the afore. said R. should have deliverie of the same against the said A. F. as of 3 li. which to the said R. in our same Court were adjudged for his damages which he sustained as well by occasion of detaining of the said 12 Barrells as for his costs &c. expended as by your certaine Inquisition before you found it is found whereof he is convicted &c.

Certiorar.

Certiorar to the
Custos brevis in
Ireland to certifi-
fie a distring.
For. &c. 10.
siles.

THe Keepers &c. To our faithfull and well-beloved H. A. Esq. Keeper of the Writs of the Rolls of Inducements, Processes, Certificates, Remembrances, and of other our Records of our Chiefe Palace in Ireland, Greeting, we being willing to be certified of certaine causes of our certaine Writ of Distraining the Jury and adding of ten of the like betweene *Conor Granne O Kelly* Gentleman, Plaintiffe, and *William O Kelly* and other &c. of a Plea of Trespasse and Ejectment of Farme and of the Indorsements and returne thereof, and of the names of the Jurors in a certaine pannel to the same Writ annexed of our County of *Galloway* being in your custody of Record, We command you that you search our Writs of Distraining the Jury and adding of ten of the like and of the Indorsements and Returne thereof, and of the pannel of the names of the Jurors to the same Writ annexed of the Termes of the *Holy Trinity St. M. and S. H.* in the third year of &c. of our County of *Galloway* in Ireland, in your custody of record being what of the Writ aforesaid and of the Indorsement and Returne thereof and of the Pannell of the names of the Jurors to the same Writ annexed betweene the parties aforesaid of the plea aforesaid in them or any of them you shall finde so fully and wholly as before you they remaine to us without delay wheresoever we shall be in E. you certifie together with this Writ. Witnesse *T. Richardson* at *WV.* the 20. day of *J.* in the year &c.

A Certiorar.
upon an Attach-
ment in Lon-
don.

THe Keepers &c. To Major, Aldermen, and Sheriffes of London. Greeting, We being willing for certaine causes to be certified of a certaine plaint betweene *R. C.* Plaintiffe, and *I. VV.* of a plea of Debt upon demand of 120 li. and also of a certaine Attachment by the said *R.* made for 100 li. of the Monies of him the said *I.* in the hands of one *T. C.* being in our Court before you or some of you levied and affirmed, We command you that the said plaint and Attachment with all things thereunto belonging to *T. R.* Chiefe Justice assigned &c. at his Chamber in &c. immediately after the receipt of this

Writ

Writ so fully and wholly as in your custody they remaine you certifie together with this Writ as the same chiefe Justice may cause to be done further therein as of right is shall seeme fit to be done. Witnesse &c.

The Keepers, &c. because in the record and process, and also, &c. which before you yet remaineth, mention was made, that upon the issue between the parties aforesaid in the plaint aforesaid joyned a certain Writ of causing to come 12 Jurors to try that issue, did issue forth returnable before you and your fellows and in the record and process aforesaid before us now remaining no continuance is made between the parties aforesaid from the said 15. &c. untill, &c. And so the process aforesaid is wholly discontinued as the said T.B. before us for the revoking of the Judgement aforesaid for Error hath assigned, to which the said I. C. before us in maintaining of the Judgement aforesaid hath said that of the continuance between the parties aforesaid from the said 15. &c. untill &c. in the record and process aforesaid omission is wholly made and before you yet remaineth by you not yet sent, and because it is needfull and expedient before we proceed in this behalf that we may be certified of the whole record and process aforesaid by you, we command you that if any continuance between the parties aforesaid in the plaint aforesaid from the said 15. &c. until, &c. before you yet remaineth of record not sent, the same continuance to us with- out delay, under your seal you send, sending back this our Writ, that we may further proceed to the execution of the Record and Process aforesaid for the correcting of the errors in the same as &c.

*Certior. to the
Justices of the
Common Bench
to certifie the
Cont. of Vs. Pa.*

TO the Sheriffs of London greeting, whereas I. S. and R. L. lately Sheriffs of the City L. by our Writ we have commanded that the body of I. F. in prison, &c. before us at W. on M. next after &c. to procure our certain Writ against S. M. of a plea of trespass as he had begun in the Court before us, and you the said now Sheriffs at that day signified to us that before the coming of our same Writ to the said late Sheriffs directed the aforesaid I. F. was taken in the said City (to wit) such a day and year, and in our Prison under the custody of the late Sheriff detained by vertue of a certain plaint against him by the name of I. F. of &c. at the suit of W. I. for 3. s. 6. d. of debt, and 2. s. 8. d. for his damages by reason of the detaining of the same debt recovered, whereof he is convicted; And that the same I. F. was also detained in our same Prison under the custody of the said late Sheriffs at the suit of I. A. for 12. d. of debt, and 2. s. for his damages by occasion of detaining of the said debt recovered, whereof he is convicted as by your veredict by you to us lately sent, more fully appeareth; And now we for certain causes in our Court before us moving of the day of the delivry of our said Writ of *Habeas Corpus* in our Court before our said

*To certifie the
delivry of a
Habeas corpus
after a Verdict
returned.*

said late Sheriffs, by you being willing to be certified, we command you that the whole truth thereof to us without delay you certifie, sending back this our Writ, witnesse, &c.

*Certiorar. for a
Superedeas di-
rected to the late
Sheriffe for pro-
ceeding errone-
ously after the
delivery of the
Superedeas the
Defendant be-
ing a Clerk of an
Attorney.*

TO the Sheriffes of *Norwich*. Greeting, whereas we lately accepting in the Record and Processe and also in the rendering of Judgement the plaint which was in our Court before *W. R.* and *T. H.* late Sheriffes of the City aforesaid without our Writ according to the custome of the same City, between *R. C.* and *J. C.* of *N.* of 20 *li.* of debt which the said *R.* from the said *I.* did require, manifest Errour happened to the great damage of him the said *I.* as by the looking into the Record and Processe thereupon which before us lately for certaine causes we have caused to come appeareth to us of Record. And the same *J. C.* in our Court before us in revoking of the Judgement aforesaid did alleage for Errour, That whereas the Attorneyes of the Court of Common Bench there intending to prosecute the bulinesse of divers leige people, and the Servants to the same Attorneyes attending to answer before any secular Judge, unlesse before the Justices of the Common Bench aforesaid in any pleas or plaints against their will ought not to be drawn or compelled neither were accustomed according to the Liberties and Priviledges of our same Court of Common Bench time out of mind used and approved. And now on the behalfe of the said *J. C.* in the Court before us we have accepted that according to the Liberties and Priviledges aforesaid our Writ of Superedeas to the same *I.* Servant of the said *William Gresham* one of the Attorneyes of the Court of common Bench aforesaid then being to the said late Sheriffes directed by our said Justices of the Common Bench was granted commanding the same late Sheriffes by the same Writ that in whatsoever plaints or pleas against him the said *I.* in the Court before the same late Sheriffes or either of them at the suite of any person or persons whatsoever, (pleas of Freehold and Felony excepted) to proceed should altogether superede, which said Writ after the levying of the plaint aforesaid, and before the Judgement aforesaid rendred to the said late Sheriff at *Norwich* in the *Guild. hall* of the City of *N.* was delivered notwithstanding the said Sheriffes not having consideration thereunto in the plaint aforesaid did proceed, and Judgement aforesaid in forme aforesaid did render our Writ aforesaid notwithstanding which said Writ before you now remaineth of Record to us have not yet certified as it is said, and we before that we further proceed to correct the error in this behalfe being willing to be certified of that Writ, we command you that the Writ of Superedeas so fully and wholly as before you it remaineth to us from the day &c. wheresoever &c. you certifie sending back this our Writ, Witnesse *I.* *Finex &c. Hill. 15. H. 7. Roll. 31.*

THe king &c. to the Reverend Father in Christ and by the same Grace Bishop of H. greeting, whereas *M.* who was wife of *R. L.* lately in the Court before us at *W.* by our Writ did appeale *W. A.* of the principal cause of the death of the said *R.* once her husband and the same *W.* in the Court before us personally appearing in quashing of our said Writ of appeale amongst other things pleaded that the said *M.* was never lawfully in matrimony coupled to the said *L.* this where and when as our said Court before us shall consider pretending to aver, to which the said *M.* in our said Court before us by replying said, that she at the Castle of the Bishop in the Countie of *S. &* within your Diocesses at the dore of that parish Church to the said *R. L.* was lawfully in Matrimony coupled, this likewise pretending to aver, where and when as our said Court before us shall consider, and because the cognizance of such causes belong to the Ecclesiastical Court, therefore we command you as formerly we have commanded, that having called before you those in this behalfe to be called, and you diligently enquire the truth of the matter upon the premises, and what thereof you shall know to us (such a day) wheresoever &c. by your Letters Patents, and you certifie together with this Writ, that further in this behalfe we may proceed as of right, and according to the law and custome of this *K.* of *E.* we shal thinke fit to be proceeded, and this in no wise you omit under the pain of 100.l. which you must pay if this our Writ shall not be executed, &c.

Certior. whether the Plaintiff in the appeale was lawfully married to her husband.

TO the Major and Sherifes of *London* greeting, whereas *I. S. Gent.* Administrator of all and singular &c. deceased lately in our Court of the City aforesaid, before *I. H. Alderman*, one of the Sherifes of the said City according to the custome of the same City, and by the Judgement of the same Court, recovered against *VV. G.* of *L.* 81.l. 16 s. and 10. d. for his dammages which he sustained as well by occasion of a certain trespass upon the case to the said *I.* by the said *W.* done as for &c. expended whereof in our Court before the said *I. H.* he is convicted (as it is said) and the said *I.* formerly (to wit) in the Terme of *St. Michael* last past, in the Court before us at *Westminster*, did prosecute a certain Bill without our Writ of a debt against him the said *W.* upon the Judgement aforesaid, before the aforesaid late Sheriffe, in forme aforesaid rendered, whereunto the said *VV.* in barring the said *I.* from his Action aforesaid in this behalf, to be had, pleaded that there hath not been any such Record thereupon before the said late Sheriffe, whereupon it is said in our Court before us, that the said *I.* may have that Record thereupon before us at *W.* (such a day) if it shall seem to him expedient, but for that that the Record aforesaid before us then without us and our help cannot be had, we command you and every one of you that searching the Rolles and other remembrances in your custody

Certiorar. of a Record where the Plaintiff brought his Action upon a Judgement in the Sheriff's Court, and the Defendants pleaded that there was no such Record.

custody being of Record of the time of the said late Sheriffe what you or any of you shall finde in the same of Record to us at the said day distinctly and plainly without delay, you or any of you send together with this Writ, witnesse &c.

To certifie a
Writ of Exigent.

TO A. B. Keeper of our Writs of the common Bench greeting, we being willing for certain causes to be certified of a certain Writ of Exigent, which from our Court of common B. against I. M. late of &c. at the suit of I. M. and L. his wife of a plea of Trespasse in your custody of Record, being, we command you that searching our Writs in the Countrey of E. of the Terme of E. (in such a yeere) in your custody of Record, being what of the same Writ in the same you shall finde together with the return of the same so fully and wholly, as before you remaineth without delay, whereforever we shall then be in England you certifie together with this Writ witnesse, &c.

To certifie the
Record of a
Non-juit.

TO Y. F. greeting, because in the Record and Proceffe: and also in the proclaiming of the Uclary in R. N. of &c. in our Hustings of H. as the suit of W. M. of a plea of debt published before you and our Justices of the common Bench, your associates manifest errorr happened to the great damage of him the said R. as out of his complaints we have accepted, and we being willing the errorr (if any shall be) in due manner to be corrected, and full and speedy justice to be done to the parties aforesaid in this behalf, and also the same R. in our Court before us assigned for errorr, that before the Writ of Exigent which from our Court of the B. aforesaid issued, whereupon the said R. in form aforesaid was outlawed the aforesaid W. did not prosecute his Writ in this behalfe as we are informed, and we before we further proceed thereupon of the truth thereof for certain causes, being willing to be certified, command you that the Record if any thing thereupon before you in your custody, yet remaineth to us without delay, you send together with this Writ, that we may do further therein, as of right and according to the law and customs of the K. of E. we shall think fit to be done witnesse, &c.

Districte.

Distring.

WE command you that you distrain *I. D.* late Sheriffe of &c. *Distring. against the late Sheriffe upon a Ca. Sa. returned that the Defendant was sick.* and that of the issues, &c. so that the body of *R. S.* by him taken and in our prison under his custody (although languishing) detained as by his return before us heretofore by him sent, he hath charged himselfe he have before us, &c. to satisfie *A. A.* of &c. (as in a ca. sa. upon a Trespasse) and to hear his judgement of many defaults, and have &c.

WE command you that you distrain *R. W.* by all, &c. wheresoe- *A Distring and a Capias in one writ.* ver, &c. to answer *T. D.* of a plea of Trespasse and to heare his judgement of many defaults we also command you that you take, &c. and him safely &c. so that you have &c. wheresoever &c. to answer the said *T. D.* of the plea aforesaid, &c.

WE command you that in your proper person you be before us at *Ducens Tecum.* *W.* on &c. bringing with you the body of *W. B.* in our prison under your custody (although languishing) detained as you your selfe by your return before us by you formerly sent, have charged your selfe to answer *I. W.* of a plea of Trespasse, and this in no wise you omit under the pain of 40*l.* And have you then there this Writ, witnesse &c.

WE command you that you distrain *W. W.* late Sheriffe of your County, and your predecessor by all his Lands, &c. to deliver *Distring. against the late Sheriffe for detaining a prisoner.* to you the body of *R. P.* late of &c. as formerly by precept he hath lately taken, as he to our Justices at *Westminster* at a certain day now past, hath returned, so that you may have the body of the same *R.* before our Justices at *W.* in 15 days of *E.* to do and receive that which our Court of him shall consider in this behalf, and to hear his judgement of many defaults, and whereupon you your selfe have returned to our Justices at *Westminster* in eight days, *St. H.* last past, that the body of the said *R. P.* was taken by the said *W. W.* your predecessor, whose body to you he did not deliver, and have you there then this Writ, witnesse, &c.

Diminution.

A Writ of Diminution directed to the chief Justice of the Bench.

TO his beloved and faithful *Rob. Read* Kt. greeting, whereas we lately out of the complaint of *I. N.* accepting in the Record and pro-
 cesse, and also in the rendring of Judgement of the plaint
 which was in the Court before you and our Justices of the B. your A-
 sociates by our Writ between *T. F.* and the said *I. N.* of 12.l. 13.s. 10.d.
 debt, which the said *T. A.* of the said *I. F.* did require, manifest error
 hath intervened to the great damage of him the said *I.* and that Re-
 cord and Proesse before us for the correcting of suchlike error we
 have caused to be brought, and now out of our Court before us
 on the behalfe of the said *T.* we have accepted that whereas in the Re-
 cord aforesaid to us sent amongst other things it is contained, thus to
 have, hold, and occupy to the said *I.* and his Assignes from the Feast of
 the Annunciation of the blessed *Mary* then past, unto the end and
 terme of six years, from thence next following, and fully to be comp'eat,
 that Record is diminished in this word (next) betwixt the words
 (Virgin then) and these words (past untill) which said word (next)
 in the Record to us sent is omitted; and moreover the same *T.* said,
 that whereas in the Record aforesaid to us (amongst other things)
 it is likewise contained, And as to the within written 9.l. 13.s. and
 10.d. residue the Jurors aforesaid, said upon their Oath that the said
T. N. doth not owe to the said *T. F.* that 9.l. 13.s. and 10.d. That
 Record is diminished in this word nine between these words (*T. F.*)
 and these words (pounds 13.s.) which said word (nine) in the Re-
 cord aforesaid to us sent, is likewise omitted, which said word (next)
 and the aforesaid word (nine) remain in your custody to us not yet
 certified, in requiring our Writ to be directed to you to certifye the said
 word(next) and also the said word(nine) in your custody so remaining,
 which if so it is granted, Therefore we command you that searching
 the 327 Roll of the Terme of St. *M.* (in such a yeere) if so it be,
 then the aforesaid word (next) and the said word nine to us in the
 morrow, &c. wheresoever, &c. you send, and this Writ, witnesse,
 &c.

Elgis

Elegit.

Greeting, whereas *I. S.* and *D.* his Wife, which was late Wife of *G. H. B.* in the Court before the Justices of the Common Bench recovered their seizin against *B. VV.* Widow of the third part of five Messuages two Barnes &c. with the appurtenances in *H.* as the Dower of her the said *D.* out of the Dowment of the said *H. B.* once her husband by our Writ of Dower, whereof none had as by the Inspection of the Record and Processe thereupon which lately before us for certaine causes we have caused to come appeareth to us of Record. And we the Judgement aforesaid in the Court before us in all things have considered that the said *I.* and *D.* may recover against the said *B.* full seizin of the third part of the Tenements aforesaid, and also as well 233 *li.* and 7 *s.* for their damages which they sustained as well by occasion of detaining of the Dower of the same *Dorothy*, besides their costs and charges by them the said *I.* and *D.* about their suite in this behalfe expended & for their costs and charges to 50 *s.* by a certain Inquisition by you taken and in the Court before us found returned as 12 *li.* to the said *I.* and *D.* out of their assent by the same Court before us adjudged according to the Forme of the Statute lately put forth and provided for their costs charges and damages which they sustained by occasion of the delay of the Execution aforesaid by reason of the Prosecution of our certaine Writ of Error before us of and upon the premisses unjustly prosecuted, and that they should have their Execution thereof against the said *B.* of the damages aforesaid, and because the same *I.* and *D.* in the same Court before us have chosen to themselves all the Goods &c. untill the Damages aforesaid be fully satisfied, therefore we command you that all the goods &c. wheresoever &c. *M. Jac. 41. Rot. 46.*

Elegit after a Writ of Error for the Tenant in Dower for damages.

The Keepers, &c. Greeting, whereas *I. S.* late in the Court before us &c. to us of record, and whereas thereupon by our Writ we have lately commanded you that of the goods &c. of the Debt aforesaid as the said 21 *s.* for the said damages, and that you should have there those Monies before us, &c. to render &c. for his debt and damages aforesaid. And you at that day returned to us that by vertue of that Writ to you thereof directed, you had caused to levied of the Goods and Chattells of the said *William* in your Bayliwick 31 *li.* 10 *s.* parcell of the debt and dammages aforesaid, which said moneys before us at the day and place aforesaid you had ready to render to the said *I.* for part of the debt and dammages aforesaid: And further, that the same *W.*

Elegit for a part of debt after some part of it is levied by Fieri Fac.

then had not any other goods or chattels in your Bailiwick, whereof the residue of the debt and damages aforesaid, or any parcel thereof, you could cause to be made; And because the same *I.* now in the same Court before us, chooseth to be delivered to her all the goods and chattels of the said *VV.* besides &c. untill the residue of the debt and damages aforesaid thereof be fully levied; therefore we command you that, &c. you cause to be delivered to him and his Assigns, according to the form of the Statute in such case provided, untill the 8th and 11th. residue of the debt and damages aforesaid thereof be fully levied; and as this our precept, &c. you make appear, &c. witness, &c.

Eleg. against an Heir and Tenant upon a recognizance acknowledged by the Father in his life.

THe &c. greeting, whereas *VV. N.* lately in the Court before us recovered against *M. VV.* son and heir of *I. VV.* of &c. deceased, and against *VV. M.* Tenant of the Lands which were of the said *I. VV.* in his life at the time of the taking of a certain recognizance of 100. l. by him the said *I. VV.* before *VV. P.* our Chief Justice in our Court assigned to hold Pleas before us (such a day and year) to the said *VV. N.* did acknowledge 100. l. of the lands and Tenements which were of him the said *I. VV.* being the said 12 day of *M.* in the hands and tenure of the said *M.* and *VV.* to be levied, whereof they are convicted, as it appeareth to us of Record; and because the aforesaid *VV. N.* in the Court before us chooseth to be delivered to him the moyety of all the Lands and Tenements which were of the said *VV.* on the said 12 day of *M.* being in the hands and tenure of the said *M.* and *VV.* in your County by a reasonable price and extent to be held to him and his Assigns according to the form of the Statute in such case provided untill the aforesaid hundred pound thereof be fully levied; therefore we command you that the moyety, &c.

TO the Sheriff of *Torke-shire* greeting, whereas by our Writ we have lately commanded to our Sheriffs of *M.* that the body of *R. D.* of &c. lately called, &c. if he were a Lay-man he should take, and in our Prison he should cause to be kept untill he should fully satisfy *W. I.* of 10. l. which the said *R.* (such a day and year) before *T. B.* Mayor of the City of *T.* and *M. T.* late Deputy-Clerk, to take the recognizances of the debts of the City aforesaid, did acknowledge himself to owe to the said *W.* which he ought to have paid to him (at such a Feast) then next to come and did not pay to him as it is said; and as this our precept should be executed, he should cause to be known to the Justices here at *Westminster* (such a day and year) which said Sheriff of *M.* to our said Justices here at *Westminster*, then returned that the said *R.* was not found in his Bailiwick, and therefore we command you as many times we have commanded you, that all the goods and chattels of the said *R.* and all the Lands and Tenements of which the same

same R. on the said day of the acknowledgement of the debt aforesaid or at any time afterwards was seized to whose hands soever they came, unless to any one being within Age by Hereditary descent to the said W. you cause to be delivered by a reasonable, price, and extent to hold the goods and chattels aforesaid as his proper goods, and the said Lands and Tenements aforesaid as his Free hold, according to the form of the Statute thereupon provided, untill 5.l. residue of the said 10.l. together with his necessary and reasonable damages, and charges, as in his pains, suits, delays and expences thereof be levied, and nevertheless the body of the said R. if he be a Lay-man you take, and in our Prison you cause safely to be kept, untill the said VV. of the debt aforesaid shall be fully satisfied; and as this precept shall be executed you cause to be made known to our said Justices at *Westminster, &c.* witness, &c.

Fier. Fac.

THe Keepers, &c. whereas by our Writ reciting, that whereas by our Writ we had commanded you that of the goods, &c. in the hands of E.S. Administratrix of all, &c. (so reciting the Writ of *Fieri Facias*, and the return of the Sheriff, that the Defendant had no goods of the Intestates, &c.) And because the return aforesaid was conceived to be in delay of the Execution of the debt, and damages aforesaid, &c. (reciting that the Defendant had voluntarily and negligently wasted the Intestates, and then a *Scir. Fs.* &c. To shew if she hath, or knoweth any thing to say for her self; wherefore the said C. his Execution against her of the debt aforesaid of the proper goods and chattels of the said E. to be levied ought not to have, if to her it should seem expedient; And you at that day returned to us a certain Inquisition before you at the Guildhal of the City aforesaid (such a day and year) by the oath of 12. honest and lawfull men of your Bailiwick taken, by which it appeareth that the said E. after the death of the said W.S. divers good and chattels which were of the said W. at the time of his death in the hands of her the said E. being to be administered to the value of 296.l. 10.s. & 9.d. hath eloynd & to her own proper use, converted as to the Jurors aforesaid, upon the taking of the Inquisition aforesaid in evidence was shewed; And moreover you returned that the aforesaid E. hath nothing in your Bailiwick whereby you can make known unto her, neither was she found in the same; therefore we command you, as formerly we have commanded that by honest and lawfull men of your Bailiwick you cause to be made known to the said E. that

*A Fieri facias
against an Ad-
ministratrix, and
returned that no
goods, &c. and
an Inquisition,
&c.*

she be before &c. wherefore the said G. his Execution against her of the debt aforesaid of the proper goods and chattels of the said E. to be levied ought not to have if to her it shall seem expedient; And further, &c.

*A Fieri Facias
upon a Writ of
Error out of the
Court Palatine
at Westminster*

THe Keepers, &c. greeting, whereas R. G. lately in the Court before the Judges of the Court Palatine of *Westminster* by vertue of Letters Patents, bearing date at *Canterbury* 12. day of *July* in the 6. year of the late King G. by a certain Jury of the Country; and by the judgement of the same Court had recovered against T. H. otherwise called T. H. of &c. a sum of 500*l.* of debt as 3*l.* 12*s.* which to the said R. in the same Court were adjudged for his damages which he sustained as well by occasion of detaining of that debt as for, &c. expended, whereof he is convicted, as by the inspection of the record and process thereupon, which we for certain causes have caused to come before us; it appeareth to us of record; and after the same Judgement in our Court before us in all things is affirmed; And whereas in the Record and Process aforesaid in our Court before us in the Upper Bench, it fully appeareth that at our Court of our Palace of *Westminster* held in *Southwark* in your County within the Jurisdiction of the same Court on F. the 6. day of I. (in such a year) before the said Judges came, L. H. of &c. and H. G. of &c. according to the custom of the same Court of our Palace of *Westminster* became Pledges and Manucaptors, and both of them by themselves became Pledges and Manucaptors for the said T. H. at the suit of the said R. G. in the Plea aforesaid; And whereof in the same Court before us it is considered of that the said R. G. may have his Execution against the said L. and H. of the debt and damages aforesaid according to the force, &c. of the recognizance aforesaid; therefore we command you that of the goods and chattels of the said L. and H. or either of them in your Bailiwick you cause to be made the debt and damages aforesaid, And that you have, &c. wheresoever, &c. to render, &c. And have you there &c.

*Ca. Sa. against
the principal
for the same
cause as before.*

THe Keepers, &c. wheresoever, &c. to satisfy, &c. expended, whereof of the same T. in our Court of our Palace of *Westminster* lately held at S. in your County before the Judges of the same Court is convicted as by the inspection of the record and process thereupon which before us for certain causes we have caused to come to us appeareth of record; And whereupon in the Court before us it is considered of &c. of the recovery aforesaid, And have you there, &c.

*A Fieri Facias
upon a writ of Er-
ror against an
Execution.*

Greeting, We command you that of the Goods and Chattels which were of I. S. now deceased at the time of his death in the hands and custody of F. F. Executor of the Testament and last Will of the said I. in your Bayliwick you cause to be made 16*li.* which I. S. lately in

in the Court &c. within the Borough of *S. Albans* in your County before the Steward of the same Borough held were adjudged for his damages which he the said *I.* sustained by occasion of a certaine Trespasse upon the Case to the said *I.* by the said *Gee.* in his life lately done as *41 s.* which to the same *I.* in the same Court of &c. within the Borough aforesaid were likewise adjudged for his costs and charges by him about his suite in that behalfe expended whereof the same *F.* is convicted as by the Inspection of the Record and Proceffe thereupon which before, &c. for certain causes we have caused to come as to us appeareth of record as also *4 l.* and *10 s.* which to the same *G.* in the Court before us were adjudged for his costs and charges which he sustained by occasion of the delay of the execution of the damages costs and charges aforesaid by colour of a certain Writ of Errour by the said *F.* of and upon the aforesaid Judgement in the said Court before us, &c. prosecuted (whereof the same Judgment in the Court before us is in all things confirmed) if so much he have in his hands, and if so much he have not in his hands, then we command you that of the proper goods and chattels of the said *F.* in your Balliwick you cause to be made as well the said *41 s.* as the said *4 l. 10 s.* for costs and charges aforesaid in form aforesaid to the said *I.* severally adjudged; and those moneys you have, &c. wheresoever, &c. for dammages, costs, and charges aforesaid, And have you, &c.

Charles, &c. To our Chamberlane of our County Palatine of *Chester* A Testat. Fieri Fac. into the County Palatine of Chester,
greeting, whereas we have lately commanded to our Sheriffs of *London* that of the goods and chattels of *Tho: Donald, &c.* for the debt and dammages aforesaid, And the said Sheriff of *London* returned, &c. (that the Defendant had no goods) whereupon on the behalf of the said *R.* in the Court before us it is sufficiently testified that the said *T.* hath goods and chattels sufficient in our City of *Chester*; Therefore we command you, that by our Writ under the seal of the Palatine of *Chester* aforesaid duly to be made you cause to be commanded to the Sheriff of the City of *Chester* that of the goods and Chattels of the said *T.* in his Balliwick he cause to be made as well the said *50 l.* of debt as the said *25 s.* of the dammages aforesaid; And that he have those moneys before us at *Westminster* on &c. to render to the said *R.* for his debt and dammages aforesaid; and as this our precept shall be executed the Sheriff of the City of *Chester* make manifest before you at a certain day, by you to be limited by his Letters sealed, sending back our Writ aforesaid to you; And what there shall be done to us at *Westminster* aforesaid on *Monday* next after three weeks of the Holy Trinity (note the first Return to be in *Easter* Term) by your Letters sealed you certify, sending back this out Writ to us, witness, &c.

Exigent.

Exigent.

*Exigent. in
Trespals upon
the Case.*

THe Keepers, &c. To the Sheriffs of London greeting, we command you that you make *A. B.* lately of *G.* in the County of *G.* Gent. to be required from Hustling to Hustling, untill according to the Law and Custom of *England* he be out-lawed if he shall not appear; and if he shall appear, then you take and cause him safely to be kept, so that you may have his body before us in the Upper Bench in the fifth week after *Easter*, wheresoever we shall then be in *England*, to answer *G. D.* in a Plea, that whereas the said *C. D.* and *A. B.* at London had Accompted together of divers sums of money, being before that time due to the said *G. D.* from the said *A. B.* and being then behinde and unpaid, and upon that Accompt the said *A. B.* was then and there found in Arrearages to the said *G. D.* in a hundred pounds of lawfull *English* money; the said *A. B.* (in consideration thereof) did assume, and to the said *C. D.* there faithfully promised that he the said *A. B.* would pay that money to the said *G. D.* yet the said *A. B.* hath not yet paid the money to the said *C. D.* although he hath been thereunto required to pay the same to the damage of the said *C. D.* one hundred and twenty pounds, as he saith. and wheresupon you your selves have sent to us, that the said *A. B.* is not found in your Bailiwick, And you have here this Writ, witness, &c.

*An Exigent
notwithstanding
any Writ of su-
peredeas.*

THe &c. greeting, whereas by our Writ we have lately commanded that of new you should cause to be required *R. R.* late of &c. from County to County, untill according to the Law and Custom of the *K.* of *E.* he should be outlawed if he did not appear, and if he did appear then you should take him, and in our Prison safely should keep, so that &c. wheresoever, &c. to answer *T. L.* of a Plea, wherefore by force and Arms (and so recite the whole *Trespals*) and against the publique peace; And for that the said *R.* hath caused to be directed and delivered to you divers of our Writs before you issuing, by which you from the execution of divers of our Writs of *Exigent* at the suit of the said *E.* against him the said *R.* in the Plea aforesaid have been superseded, and the same *R.* hath kept no day in the same Writs contained as in our Court before us it fully appeareth of *Record* not to the little expence of him the said *E.* and manifest delay of his suit; therefore we command and firmly injoyn, that our present Writ against

gainst the said R. you execute with effect any Writ of *Superfideas* thereupon to you directed or to be directed notwithstanding, witness, &c.

WE command, you that you cause to be required *W. S.* late *Exigent* for damages in a writ of *Et. cur.* of &c. wheresoever, &c. to satisfie *I. S.* of 20. l. for his dammages which he sustained as well by occasion of a certain Covenant to him the said *I. S.* by the said *T. M.* done as for his costs, &c. whereupon in our Court before *R. B.* Mayor of the City of *E.* and *E. K. I. M.* and others, Bailiffs of the said City he is convicted as by the looking into the record and process thereupon, which before us lately for certain causes we have caused to come, appeareth to us of Record; And whereupon in our said Court before us it is considered of, that the said *I. S.* may have thereupon against the said *W. S.* execution; And whereupon you your self (such a day) last past to us returned that the said *W.* was not found in your Bailiwick, and have you, &c. witness, &c.

AT which day, the Sheriff returned, that at the County of *L.* held there (such a day, &c.) the said *I.* and others were four times required, and did not appear, &c. Therefore it was commanded to the Sheriff, that he allow, &c. (such a day, &c.) At which day the Sheriff returned that he allowed four times of the said County, at which four times the said *I.* and *I.* were moreover required in the full County of *L.* held at *L.* (such a day, &c. the said *I.* and *I.* were required, and did not come, and that there were no known Coroners there of the County of *L.* besides *W. B.* Coroner of the Lord the King in the parts of *S.* which said *W.* the Judgement of the outlary in this behalf to proclaim there to be rendred refused; Therefore of the further execution of the Writ to him thereof directed nothing at present is said; And the said *R. B.* now saith *I.* and *I.* are outlared which outlary remaineth in the custody of the Coroners of our Lord the King in the County aforesaid, And prayeth a writ to be directed to them to have here that record. And is granted to him returnable here in, &c.

TO the Sheriffs of *L.* greeting we command you that of the Lands of *R. R.* of &c. *E. H.* and others you cause to be made 50. l. of debt which the same *R.* and others before us in our Chancery the second day of *M.* (in such a year did acknowledge himself to owe to *W. P.* which he ought to have paid to him such a day then next following as 10. l. for his dammages which to the same *W.* as well by occasion of detaining of that debt as for his costs and charges by him about his suit in this behalf sustained whereof they are convicted, as it appeareth to us of Record; And have you there those moneys before us from &c. wheresoever, &c. to render to the said *W.* for his debt and dammages aforesaid, And have you there this Writ, &c.

* Ddd

Greeting

*Fieri Fac. upon
a Writ of Error
for Arrearages
of an Annuity.*

Greeting we command you that of the goods and chattels of the new Chancellour of the Church of *Chester*, and the Parson of Church or Chappel of *M.* to the Chancellour of the Church of *Chester* belonging in your Bailiwick, you cause to be made 4*l.* 18*s.* And have you those moneys before us in 8. days of &c. wheresoever, &c. to render to *W.* now Abbot of *B.* for the Arrearages of a certain yearly Rent of 16*l.* to the said *W.* and his Successors from the Feast of *All Saints* at *B.* yearly to be paid, whereof he is convicted, as by the looking into the record and process which before us, lately for certain causes we have caused to be brought appeareth to us of record, which said Arrearages to the same Abbot are in Arrear for (so many years) last past before the said Feast of *All Saints* last past, And whereupon in our Court before us it is considered of, that the said *A.* may have execution thereupon, And have you there, &c. No *Capias* lyes in a Writ of Annuity, except a *Fieri Fac. Testat. & Distr. infinite.*

*Fieri Fac. a.
gainst the Bail
in a Writ of Er-
ror out of an in-
feriour Court.*

VE command you that of the Lands and chattels of *C. M.* of &c. and *I. A.* of &c. Manucaptors of *A. R.* in your Bailiwick you cause to be made, &c. And you have those moneys before us in eight days, &c. wheresoever, &c. to render to *H. P.* according to the form and effect of a certain recognizance by them the said *C.* and *I.* to the said *H.* for the aforesaid *R.* in a certain plaint of Trespass against him the said *R.* at the suit of the said *H.* prosecuted in our Court of our Village of great *Jernen* in our Toll-house there before *S. C.* and *T. B.* lately Bayliffs of the same Village, according to the use and custom of that Village made, as by the looking into the record and process thereupon, which before us for cause of Errour in the same to be corrected we have caused to be brought, appeareth to us of Record; And whereupon in our Court before us it is considered of, that the said *H.* may have thereof his execution against the said *C.* & *I.* by their default, and have you there, &c. *P. 9. H. 8. Rot. 33.*

*Fieri Fac. if
&c.*

Greeting, we command you, that of the goods and lands of *A. C.* of *London* Widdow in your Bailiwick, you cause to be made 40*l.* which *T. R.* Gentleman, lately in our Court before our Justices at *Westminster* recovered against her, and if that sum thereof cannot be made, then by the oath of honest and lawfull men of your Bailiwick you diligently inquire of what Lands and Tenements the aforesaid *A.* made Gift and Feoffment and the profits thereof received by fraud and collusion to defraud her Creditors of their debts, that the execution of the whole sum aforesaid (if of her goods and lands of which she had not made Gift and Feoffment) could not be made, or that the said sum thereof could not be made, we command that of the lands and chattels she so made Gift and Feoffment, and received the pro-

profits by collusion to hinder her Creditors of their Debts, and the said 40.l. or what thereof shall be levied, you have before, &c. to render to the said K. for his debt aforesaid. And have you, &c.

Habeas Corpus.

TO the Sheriffs of *London* greeting, whereas I. D. in the Court before us did implead S. T. of &c. of a certain Trespass to the said I. by the said S. as it was said done, By reason of which said plaint, it was commanded to the Sheriffe of the County of D. that he should take the said S. if he should be found in &c. And him safely &c. so that &c. wheresoever &c. to answer the said I. of the plea aforesaid, and the same S. coming towards our Court before us to obtain a Writ of Superseas for himselfe in the plaint aforesaid as he was in *London* by you and your Ministers was taken, and in our prison under your custody detained, whereby he could not personally come to our Court before us to obtain our Writ of Superseas aforesaid, as on the behalf of him the said S. in the Court before us we have accepted; and therefore we command you that the body of the said S. in our Prison, under your custody as aforesaid detained together, &c. to obtain our Writ of Superseas for himselfe, according to form of law, if he will, and if any plaint in our Court, before us be levyed or affirmed, then from the day of the levying and affirming of the same to us, likewise you certifie together with this Writ, witnesse &c.

Hab. Cor. to release one that came for a Writ of Superseas, & was arrested.

THe Keepers of the liberty of *England* by authority of Parliaments to the Sheriffe of L. greeting, we command you that you have the body of A. B. in the prison under your custody as it is said, detained under safe and secure conduct, together with the day and cause of his Caption and detaining by what name soever the said A. B. be censured in the same before us in the upper Bench at *Westminster*, on Saturday next after the morrow of All-Souls, to do and receive all and every those things which the Court before us in the upper Bench at *Westminster*, shall consider of in that behalf, and then you have there this Writ, witnesse &c.

Habeas Corpus ad Fac. & Ret.

THe Keepers &c. (as above) by what name soever the said A. B. be censured in the same, before H. Rells Chief Justice assigned to hold Pleas in the upper Bench at *Westm.* at his Chamber in Searjeants lunc

Habeas Corpus returnable before a Judge in duty.

in Fleetstreet *London*, immediately after the receiving of this Writ to do and receive all and every those things which the said Chief Justice then and there shall consider of in that behalf and then you have there this Writ, &c. Witnesse, &c.

*Habeas Corpus
upon a capi Cor-
pus.*

THe Keepers &c. to the Sheriffe of *C.* greeting, we command you that you have the body of *A. B.* (by you taken and in our prison under your custody detained, as you your self by your return to us in the Court before us in the upper Bench at *Westm.* formerly by you sent, have thereby charged your self) before us in the upper Bench at *Westm.* (reciting the return) to answer *C. D.* in a plea of Trespasse, and then you have there this Writ, Witnesse &c.

*Habeas Corpus
ad satisfaciendum.*

THe Keepers &c. (as above until the return) next after &c. to satisfie *C. D.* as well of 100*l.* of debt, as 40*s.* for his damages which he sustained as well by occasion of detaining of that debt, as for his costs and charges by him about his suit in that behalf disbursed, and further to do and receive all and every those things, &c. (as above) in the Habeas Corpus ad Fac. & Rec.

*Hab. Cor. for to
protect one that
is arrested com-
ing to the Court,
about his busines*

TO the Sheriffs of *London* greeting, whereas every liege person coming towards our Court before us, and there staying to prosecute and defend their businesse, and from thence towards their proper place returning, ought to be under our protection, and from the time in which memory is not extant hath been accustomed, and now on the behalfe of one *I. R.* one of our liege persons, we have accepted, that whereas he in our Court before us in fifteen days of *E.* last past, was enjoyned to have been attending to answer *I. I.* of a plea of Trespasse and conspiracie in the County of *N.* had and in the lawful defence of the said *I. R.* thereof in our Court aforesaid done from our said Court without a day towards his proper place could not return, yet the said *I. I.* machinating, maliciously to grieve & oppresse him the said *I. R.* did frame levy and affirm a certain plaint before you against the said *I. R.* and procured him by reason thereof to be taken and in our prison under your custody to be detained to the grievous damage of him the said *I. R.* as out of his complaint we have accepted, and we being willing neither to injure the said *I. R.* nor our priviledge in this behalfe. we command you that the body of the said *I. R.* together with the cause of the taking and detaining you have before us, &c. on &c. to do when and there that which we shall think fit of right to be done, and have you &c.

*Habeas Cor. to
answer.*

TO answer *T. D.* of a plea of debt, that we may further proceed in this behalfe, and have you there, then this Writ, witnesse, &c.

TO prosecute his certain bill against I. M. of a plea of debt, as he in the Court before us accepted that further, &c.

The same to prosecute a Bill.

TO prosecute his certain Writ in appeale of robbery against I. C. as he in our Court before us hath begun, that further, &c.

To prosecute an Appeale.

TO expect a certain Jury of the Country in which as well the same I. as R. S. in our Court before us have put themselves in a plea of Trespass that further, &c.

To expect a Jury, &c.

TO assigne Errors in a certain Record and proceffe, and also in rendering of Judgement of a certain plaint which was in our Court before our Justices between W. N. and the said R. M. rendred that further, &c.

To assigne Errours.

TO hear their Judgement against A. B. of a plea of debt, that further &c.

To hear a Judgement.

TO prosecute his Execution against I. W. of a plea of debt that further, &c.

To prosecute an Execution.

TO satisfie A. B. of r.o.l. which the said A. against him in our Court, before us recovered that further &c.

To satisfie.

TO prosecute our certain Writ against R. T. of a plea of Trespass as he before us in our Court accepted that further, &c.

To prosecute an Original Writ.

TO the Guardian of the prison of the Fleet, or &c. we command you that the body of W. P. one of our Clerks in our Court before us in our prison, under your custody, &c. you have before us at W. the instant day to attend his Office in our Court before us and further to do those things which then on our behalf shall there be enjoyned to him, and have, &c.

For a Clerk of the Court to attend the Court.

THe Keepers to the Major, Bayliffs, and Sheriffs of the Town of Southampton and every of them greeting, whereas by our Writ as formerly we have commanded you, that the body of I. P. in our prison under your custody, &c. before us in the upper Bench at W. on &c. to prosecute our certain Writ of Errour against A. B. of a plea of debt of Errour.

For a Clerk with a penalty for not bringing the body according to the return to prosecute a Writ of Errour.

Hab. Fac. Poss.

debt that we may further proceed in this behalfs as of right we shall think fit to be proceeded, and this in no wise you should omit under the penalty of 100.l. And you at that day to us returned, that before the coming of that our Writ to you directed (to wit) such a day and year the said I was detained in Execution under your custody for 5.l. of debt and also 7.s. for damages by occasion of the detaining of the same debt, which the said I. G. against the said I. P. in the Court of the said late King of the Town of *Southampton*, according to the custome of the same Town recovered, yet the body of the said I. P. before us at the day and place aforesaid, as by the return aforesaid you have affirmed, you had ready as it was commanded to you as by your said return before us &c. of Record remaining more fully, appeareth, yet you the body of the said I. P. before us &c. hitherto have not brought nor had in contempt of the said Court, and not to the little grievance and expence of the said I. P. for which cause know you in the said Court before us &c. to be more greater amerced, and because we are unwilling to hinder Justice by such like crafty assertions and suggestions, we therefore command you as many times we have commanded, that the body of the said I. P. in our prison under your custody detained &c. (as above) we shall think fit to be proceeded, and this in no wise you omit under the penalty of 200.l. which you must know to undergoe to us if this our Writ you shall in no wise execute, and have you there then this Writ, witness *I. Bromley*, &c.

*Habere Fac. Poss.**Habere Fac. pos.*

THe Keepers &c. Greeting, whereas *A. B.* lately (that is to say) in the Terme of St. *Hilary* in the yeare of our Lord one thousand six hundred and fifty, before us in the Upper Bench at *Westminster*, hath recovered against *G. D.* his terme then and yet to come of and in one Messuage with the appurtenances in *E.* in your County which *F. G.* did demise to him to a Terme which is not yet past (that is to say) from the Feast of the Annunciation of the Blessed Virgin *Mary*, in the yeare of our Lord one thousand six hundred and fifty, untill the end and terme of three yeares from thence next following to be fully compleate and ended, by vertue of which demise the said *A. B.* entered into the Tenements aforesaid, with the appurtenances, and was thereof posselt untill the said *C. D.* did afterwards eject him the said *A. B.* from his Farme, Therefore we command you that without delay you cause the said *A. B.* to have his possession of his Terme aforesaid yet to come of and in the Tenements aforesaid with the appurtenances

portenances and in like manner this precept shall be executed, you make it appeare before us in the Upper Bench at *Westminster* on *Saturday* next after the morrow of the Assention of our Lord, together with this Writ, witnesse &c.

THe Keepers &c. Whereas *W. K.* lately in the Court before *H. H.* *Habere Fac. posse. and a Ca. Sa. for costs of suit and for Ray of Execution by a writ of Error.* and other the Justices &c. by our Writ and by the Judgement of the same Court recovered against *E. K.* late of &c. his Terme yet to come &c. did eject expell and amove, And therefore we command you that you cause &c. of and in the Tenements aforesaid with the appurtenances. And as &c. you make it appeare We also command you that you take the the said *E.* if &c. And him safely &c. wheresoever &c. to satisfie the said *W.* as well of *6 li. 10 s.* which to the same *W.* in the Court before the Justices of the Common Bench at *VV.* were adjudged for his damages which he sustained as well by occasion of the Trespass and Ejectment aforesaid, as for &c. expended whereof the said *E.* is convicted as by the inspection of the Record and Proceffe thereupon which before us lately for certaine causes we have caused to come appeareth to us of Record. And whereupon in the same Court before us it is considered of that the said *W.* may have his Execution thereof against him as of *5 li.* which to the said *VV.* in the Court before us were adjudged for &c. occasion of the delay of the Execution aforesaid by colour of the prosecution of a certaine Writ of Error by the said *E.* of and upon the premisses in the said Court before us prosecuted whereof the said *E.* is convicted as to us likewise appeareth of Record, and whereupon in the same Court before us it is likewise considered of, that the said *VV.* may have thereof his Execution against the said *E.* And have you &c.

Greeting, Whereas *R. K.* and *T. K.* Gentleman, lately in the Court before us at *VV.* by bill without our Writ, had impleaded *R. K.* for that (that is to say) that whereas *H. Earle of Arundell*, and the Parties aforesaid before us appearing (reciting the declaration until) and thereupon they brought the suit &c. and it is in such manner proceeded before us that the said *R.* and *T.* their damages by occasion of the premisses and their term yet to come of and in the Tenements aforesaid against the said *R. K.* ought to recover, and because it is unknown to the said Court before us what damages the said *R.* and *T.* as well by occasion of the trespassse and ejectment aforesaid as for their costs &c. sustained, Therefore we command you that by the Oath of honest and lawfull men of your Bayliwick, you diligently inquire what damages the said *R.* and *T.* as well by occasion of the trespassse and ejectment as aforesaid, as for their costs &c. sustained, and the Inquisition which &c. before us &c. under your seale &c. that inquisition we also command you that without delay you cause the said *R.* and *T.* to have their possession.

Habere fac. posse. with a Writ of Inquiry. damages recovered by default.

Writ of Inquiry.

Session of their terme yet to come of and in the Tenements aforesaid with the appurtenances, and as this precept shall be executed to us at the aforesaid day you cause to appeare, and have you there the names of them whose Oath you took, that Inquisition and this Writ, witnesse *J. Popham, &c.*

Writs of Inquiry.

*A Writ of Inquiry against Ex-
ecutor upon sub-
ly Administred
pleaded to an
Action of debt.*

THe Keepers of the liberty of *England*, by Authority of Parlia-
ment to the Sheriffe of *B.* greeting, whereas *W. I. W. G.* and
I. M. have lately in the Court before us in the upper Bench at
Westminster, impleaded *I. S.* widdow, Executrix of the last
will and Testament of *W.* of a plea that she render to them fourscore
pounds of lawful mony of *England*, which from them she doth unjustly
detain for that (that is to say) that whereas the aforesaid *W. S.* in his
life time, (that is to say) the seventeenth day of *November* in the year
of our Lord one thousand six hundred forty and seven at *L.* in the
County of *B.* aforesaid by his certain writing obligatory sealed with
the scale of the said *W. S.* and in Court now here shewed, had acknow-
ledged himselfe to be holden and firmly bound to the aforesaid *W. I.*
W. G. and *I. M.* in the aforesaid sum of fourscore pounds to be paid to
the said *W. I. W. G.* and *I. M.* when thereunto he should be required, &c.
notwithstanding the said *W. S.* in his life time, & the said *I.* after the death
of the said *W. G.* although often required, &c. the said *So. I.* to the said
W. I. W. G. and *I. M.* hath not paid but the same to the said *W. I. W. G.*
and *I. M.* hath altogether denyed to pay, and still doth deny to pay, and
unjustly detain in the retarding of the faithful Execution of the will
aforesaid to the damage of the said *W. I. W. G.* and *I. M.* of twenty
pounds, and thereof they bring the suit; and it is in such manner pro-
ceeded before us in the upper Bench, that the said *W. I. W. G.* and *I. M.*
ought to recover against the said *I.* the said fourscore pounds of debt of
the goods and chattels which were of the said *W. S.* at the time of his
death when such goods and chattels come to the said *J.* to be admini-
stred, but because it is unknown what goods and chattels, which were of
the said *W. S.* at the time of his death came to the hands of the said *I.*
to be administred, therefore we command you that by the Oaths of ho-
nest and lawful men of your Bayliwick you diligently inquire what
goods and chattels (which were of the said *W. S.* at the time of his
death) came to the hands and custody of the said *J.* to be administred
and the Inquisition which you shall thereof take, you make appeare be-
fore us in the upper B. at *W.* on &c. under your scale, and the scales of
them

them by whose oaths you took that Inquisition together with this Writ, witness. &c.

Greeting, whereas I. S. lately in the Court before us by Bill without our Writ had impleaded R. C. in the custody of the Marshal, &c. (and so recite the whole declaration untill) to the damage of him the said I. S. 100. l. as he said, and the parties aforesaid in the Court before us appearing, did joine in issue, and to try that issue put themselves upon the Jury of the Countrey, and after the Jurors between them impannelled in our Court before us came, who to try the truth of that issue were sworn, whereupon the parties aforesaid upon the evidence by the said I. to our Court, and to the same Jurors shewed to prove and verifie the issue aforesaid, put themselves upon the Judgement of the Court; therefore the Jurors aforesaid by the assent of the parties aforesaid by our Court aforesaid were discharged, whereupon that matter to the Sheriff and by the Court fully understood, and other the Premises it seemeth to our Court before us that the matter by the said I. in evidence alledged to verifie & prove the issue aforesaid to be sufficient in Law for which the same I. his damages against the said R. in this behalf ought to recover, but because it is unknown to the Court here what damages the said I. sustained by occasion of the Trespass aforesaid, Therefore we command you, that &c. (in the general form.)

A Writ of Inquiry of damages wherein the parties demurred in Law upon the evidence given to the Jury.

TO our Justices assigned to take the Assizes in the County of *Stafford*, greeting, whereas we have lately commanded to our late Sheriff of S. by our Writ of Judgement, that he should distrain S. H. of C. in his County Gentleman by all his Lands, &c. in the Bailiwick of him the said Sheriff, so that, &c. before us &c. to answer T. W. of a Plea that he render to him 100. s. which to him he oweth, and unjustly detaineth as he saith: The same Sheriff at that day returned that the said S. was distrained by his Cattell to the value of 40 s. whereas it is testified in our said Court that the said Sheriff of greater issues (that is to say) of 40 s. of the lands and chattels of him the said S. might have answered to us in retardation and delay of the suit aforesaid, and in favour of the said S. and against the form of the Statute in such case published, and provided as out of the great complaint of the said T. in the same Court, he himself offering to Aver, we have accepted; And therefore we command you that by the oath of honest and lawfull men of the County aforesaid, in the presence of the said Sheriff, if it shall be necessary you diligently inquire of what and how many issues of the Lands and Tenements of the said S. besides the aforesaid 40 s. in the Bailiwick of him the said Sheriff, the same Sheriff might have answered to us from the day of the receiving of the Writ aforesaid, until the said day of the return of the same; And the Inquisition which thereof you shall make you cause to be made known to our Justices at W.

A writ of Inquiry for more issues against a Sheriff.

*E e e

(such

Writ of Inquiry.

session of their terms yet to come of and in the Tenements aforesaid with the appurtenances, and as this precept shall be executed to us at the aforesaid day you cause to appear, and have you there the names of them whose Oath you took, that Inquisition and this Writ, witnesse *J. Popham, &c.*

Writs of Inquiry.

*A Writ of Inquiry against Executor upon sub-
by Administred
pleaded to an
Action of debt.*

THe Keepers of the liberty of *England*, by Authority of Parliament to the Sheriffe of *B.* greeting, whereas *W. I. W. G.* and *I. M.* have lately in the Court before us in the upper Bench at *Westminster*, impleaded *I. S.* widdow, Executrix of the last will and Testament of *W.* of a plea that she render to them fourscore pounds of lawful mony of *England*, which from them she doth unjustly detain for that (that is to say) that whereas the aforesaid *W. S.* in his life time, (that is to say) the seventeenth day of *November* in the year of our Lord one thousand six hundred forty and seven at *L.* in the County of *B.* aforesaid by his certain writing obligatory sealed with the seale of the said *W. S.* and in Court now here shewed, had acknowledged himselfe to be holden and firmly bound to the aforesaid *W. I. W. G.* and *I. M.* in the aforesaid sum of fourscore pounds to be paid to the said *W. I. W. G.* and *I. M.* when thereunto he should be required, &c. notwithstanding the said *W. S.* in his life time, & the said *I.* after the death of the said *W. G.* although often required, &c. the said *So. I.* to the said *W. I. W. G.* and *I. M.* hath not paid but the same to the said *W. I. W. G.* and *I. M.* hath altogether denied to pay, and still doth deny to pay, and unjustly detain in the retarding of the faithful Execution of the will aforesaid to the damage of the said *W. I. W. G.* and *I. M.* of twenty pounds, and thereof they bring the suit; and it is in such manner proceeded before us in the upper Bench, that the said *W. I. W. G.* and *I. M.* ought to recover against the said *I.* the said fourscore pounds of debt of the goods and chattels which were of the said *W. S.* at the time of his death when such goods and chattels come to the said *J.* to be administred, but because it is unknown what goods and chattels, which were of the said *W. S.* at the time of his death came to the hands of the said *I.* to be administred, therefore we command you that by the Oaths of honest and lawful men of your Bayliwick you diligently inquire what goods and chattels (which were of the said *W. S.* at the time of his death) came to the hands and custody of the said *J.* to be administred and the Inquisition which you shall thereof take, you make appear before us in the upper B. at *W.* on &c. under your seale, and the seales of them

them by whose oaths you took that Inquisition together with this Writ, witness. &c.

Greeting, whereas I. S. lately in the Court before us by Bill without our Writ had impleaded R. C. in the custody of the Marshal, &c. (and so recite the whole declaration untill) to the damage of him the said I. S. 100. l. as he said, and the parties aforesaid in the Court before us appearing, did joyn in issue, and to try that issue put themselves upon the Jury of the Countrey, and after the Jurors between them impannelled in our Court before us came, who to try the truth of that issue were sworn, whereupon the parties aforesaid upon the evidence by the said I. to our Court, and to the same Jurors shewed to prove and verifie the issue aforesaid, put themselves upon the Judgement of the Court; therefore the Jurors aforesaid by the assent of the parties aforesaid by our Court aforesaid were discharged, whereupon that matter to the Sheriff and by the Court fully understood, and other the Premises it seemeth to our Court before us that the matter by the said I. in evidence alledged to verifie & prove the issue aforesaid to be sufficient in Law for which the same I. his damages against the said R. in this behalf ought to recover, but because it is unknown to the Court here what damages the said I. sustained by occasion of the Trespass aforesaid, Therefore we command you, that &c. (in the general form.)

A Writ of Inquiry of damages wherein the parties disagreed in Law upon the evidence given to the Jury.

TO our Justices assigned to take the Assizes in the County of Stafford, greeting, whereas we have lately commanded to our late Sheriff of S. by our Writ of Judgement, that he should distrain S. H. of C. in his County Gentleman by all his Lands, &c. in the Bailiwick of him the said Sheriff, so that, &c. before us &c. to answer T. W. of a Plea that he render to him 100. s. which to him he oweth, and unjustly detaineth as he saith: The same Sheriff at that day returned that the said S. was distrained by his Cattell to the value of 40 s. whereas it is testified in our said Court that the said Sheriff of greater issues (that is to say) of 40 s. of the lands and chattels of him the said S. might have answered to us in retardation and delay of the suit aforesaid, and in favour of the said S. and against the form of the Statute in such case published, and provided as out of the great complaint of the said T. in the same Court, he himself offering to Aver, we have accepted; And therefore we command you that by the oath of honest and lawfull men of the County aforesaid, in the presence of the said Sheriff, if it shall be necessary you diligently inquire of what and how many issues of the lands and Tenements of the said S. besides the aforesaid 40 s. in the Bailiwick of him the said Sheriff, the same Sheriff might have answered to us from the day of the receiving of the Writ aforesaid, until the said day of the return of the same; And the Inquisition which thereof you shall make you cause to be made known to our Justices at W.

A Writ of Inquiry for more issues against a Sheriff.

* E e e

(such

(such a day.) And have you there the names of them, by whose oath you shall make that Inquisition, and this writ, witness, &c.

*The same in Re-
plevy, where the
Sheriff returns
one of the De-
fendants claims
property, and an
Attachment for
the contempt
and a Pone a-
gainst the rest of
the Defendants.*

Greeting, Whereas we have many times commanded you, that just-
ly, and without delay you should cause to be replevied I.G. wid-
dow her cattell, which M.G. I.H. and R.S. took, and unjustly
detained, as it is said, or you should signifie to us the cause, wherefore
our Commands to you formerly thereof directed you would not nor
could not execute; And you despising our Commands aforesaid, as we
have accepted the Cattell aforesaid to be replevied to the said L. or at least
wile the cause wherefore you would not do it or could not, to us to
signifie hitherto not caring, in manifest contempt of us and our com-
mands aforesaid; And not to the little damage and grievance of her
he said I. of which we wonder very much and are moved, we com-
manded you that you should cause the cattell aforesaid to be replevied
to the said I. according to the Tenour of our Commands formerly to
you thereof directed, or that you your self should be before us, in &c.
wherefore &c. to shew wherefore our Commands so often to you di-
rected you have contemned or could not execute. And you at that day
to us returned, that whereas the cattell aforesaid you would have reple-
vied as to you by that Writ it was commanded the said M. said that the
property of those cattell belonged to him, whereby you could not then
replevy those cattell to the said I. And that no other Writ of replevying
those cattell was delivered to you: And we being unwilling that the
said I. by such like false avowing of her cattell aforesaid should be de-
frauded, whereby if they are hers according to the Law and Custom of
England they may be replevied; we command you, that taking with you
the Keepers of the Pleas of our Crown in the presence of the said M.
if he will be present, whom by thy self hereupon we will to be warned
by the oath of honest and lawfull men of your County by whom the
truth of the matter may better be known, you diligently inquire whether
those goods so taken and detained are the aforesaid I.S. or the said M.S.
And if by that Inquisition it may appear to you that the goods aforesaid
are of the said I. then to the same I. you cause to be Replevied accord-
ing to the Tenour of our Commands aforesaid formerly to you thereof
directed: And nevertheless if the said I. shall make you secure of pro-
secuting her plaint, then Attach the said M. so that you have him before
us (such a day) wherefore, &c. to answer to us of the contempt in
this behalf done, and to the said I. for her damages, which she sus-
tained by occasion of the claim aforesaid: we also command you that
you put by pledges and safe Sureties the said I. H. and R.S. that they
be before us at the aforesaid Term to answer the said I. of a Plea, where-
fore they took the Cattell aforesaid, And them unjustly detain as it is

said;

said; And have you there the names of the Pledges, and this Writ, Witness, &c.

Pledges to prosecute *John Doe*, and *Richard Roe*.

BY virtue of this Writ to our Lord the King wheresoever he shall be in *England* as the day within contained, I certifie that after the Inquisition to this Writ annexed taken, the cattel within written were eloynded, and yet are eloynded to places to me unknown by *M.C.* and others within named, whereby those cattel within named to the said *I.G.I.* cannot Replevy as is within to me commanded *M.C.* is not found in my Bailiwick *J.H.* and *R.S.* within named, have nothing in my Bailiwick, by which they may be Attached.

Return of the same Writ.

The residue of the true execution of this Writ appears in a certain inquisition to this Writ annexed *W.R.* Knight Sheriff.

AN Inquisition taken at *B.* in the County of *Dorset* (such a day and year) before *W.R.* Knight Sheriff of the County aforesaid having took with him the Keepers of the Pleas of the Crown of the King of *England* in the County aforesaid, by virtue of a writ of the said Lord the King, to him the said Sheriff directed, and to this Inquisition annexed by the oath of *V.V.S.* &c. who say upon their oath that the cattel in the Writ to this Inquisition annexed specified, are the Cattel of *I.G.* widow in the Writ aforesaid named, and not the Cattel of him the said *M.C.* in the Writ named, in testimony whereof as well the said Sheriff as the Jurors aforesaid to this Inquisition have put to their seals the day and year above said, &c.

The Inquisition.

Greeting, whereas *R.C.* & *T.C.* were summoned to be in our Court before our Justices at *Westminster* to answer *I.C.* of a Plea, wherefore they (such a day and year) at *C.* in a certain place called *M.* did take the Cattel (to wit) ten sheep of him the said *I.* And them unjustly did detain against pledges and sureties; and the same *R.* and *T.* in our same Court appearing for a certain reason by them alledged as Bailiff of *R.C.* and *A.* his wife well acknowledged the taking of the Cattel aforesaid in the said place to be just for 40.s. to the said *R.* and *A.* at such a Feast in such a year) being behinde as in the land of the said *R.* and *A.* charged with distress in which said Plea, the said *I.C.* prayed ayd of one *T.H.* and *I.* his wife, which said *T.* and *I.* in our same Court joynded themselves to the said *I.C.* in ayd thereof against the said *R.C.* and *T.C.* and afterwards the same *R.C.* and *T.C.* said nothing in bar of the action of the said *I.C.* and *I.* aforesaid. For which it was considered of in our same Court that the said *I.T.* and *I.* their damages by reason of the premises against the said *R.* and *T.* ought to recover; but because it is unknown what damages the said *I.T.* and *I.* sustained by occasion of the Premises, Therefore we command you, &c.

A Writ of Inquiry, damages in replevy for the Plaintiff where the Defendant made default after the Plaintiff prayed ayd.

* E e e 2

Greeting

A writ of Inquiry
of what cat-
tel, and the price
against Pledges
in R. p. v. where
after default of
the Plaintiff, the
Sheriff returns
the cattel are
employed.

Greeting, we command you that by honest and lawfull men of your Bailiwick you diligently inquire how many and what cattel of *W. S. I. C.* formerly took and unjustly detained against Pledges and Sureties for that the aforesaid *W.* formerly in our Court, &c. made default, it was considered in the same Court that the said *I.* should have return of the cattel aforesaid; And because the same *I.* the execution of that Judgement could not follow; for that that the cattel aforesaid out of the County aforesaid were cloyed as you to our Justices at *Westminster* formerly returned; It is considered in our same Court that the said *I.* may have the price of the cattel aforesaid against *VV. M. & I. T.* Pledges of the said *VV. S.* If the same cattel should not be returned, if return should be adjudged according to the form of the Statute in such case enacted provided and the price aforesaid of the lands, and and chattels of the said *W. S.* in your Bailiwick you should cause to be made, and the money thereof you have before our Justices, &c. (such a day) to render to the said *I. C.* in form aforesaid, and the Inquisition which thereof you shall make you cause to be made known to our said Justices there, under your seal and the seals of them by whose oath you shall make this Inquisition: And this Writ, wit-
ness, &c.

The same in
Replew for want
of an answer.

Greeting, Whereas *R. C.* lately in our Court before us by our Writ impleaded *I. R. W. F.* and *J. M.* of that that they (such a day and year) at *C.* in a certain place called *M.* took the cattel (so wit) two Horses, two Steers, and 105. Sheep and his chattels (to wit) 10. quarters of Barley did take, and 50. sheep of the sheep aforesaid unjustly did detain, and the residue of the cattel aforesaid of the price of 8 l. and also his chattels aforesaid to the value of 40 s. from him, do yet unjustly detain against Pledges and Sureties; whereupon he said that he is wronged, and hath damage to the value of 20 l. And thereupon he brought the suit, and the parties aforesaid in our Court before us, appearing the said *G. W.* and *J.* had *Monday* next after the moneth of *E.* last past, given to them to answer the said *R. W.* which day the said *I. W.* and *I.* solemnly required to answer came not, neither said any thing in bar or preclusion of the action aforesaid of the said *R.* by which the same *R.* remaineth against the said *G. W.* and *I.* thereof undefended, whereupon the said *R.* for the default of them the said *G. W.* and *I.* and for default of answer in this behalf, prayeth, Judgement and his damages aforesaid by that occasion to be adjudged to him, &c. And because to our Court before us it is unknown what damages the same *R.* aswell by the occasion aforesaid as for costs, &c. We command you as formerly we have commanded you that by the oath of twelve honest and lawfull men of the neighbourhood of *C.* in your Bailiwick you diligently inquire what damages the said *R.* aswell by the occasion
aforesaid

aforesaid as for his costs and charges, &c. And that Inquisition by you distinctly taken to us, &c. wheresoever, &c. under your seal and the seals of them by whose oath you took that Inquisition you send together with this Writ, Witnesse, &c.

THe Keepers of the liberty of *England*, by Authority of Parliament, to the Sheriffe of *O.* greeting, whereas *I. F.* lately in the Court before us in the upper Bench at *Westminster*, by Bill without our Writ, and by the judgement of the same Court had, implicated *C. M.* of that that he the eight and twentieth day of *November* in the year of our Lord one thousand six hundred fifty and one, at *B.* in the County aforesaid by force and armes, &c. that is to say, with sword, staff, knives, on him the said *I.* did make an assault and battery, and there did beat wound and evil intreat, so that he did greatly debase of his life, and to him so many menaces of his life, and maiming of his members, then and there did affect that he about his business (that is to say) in gathering in of his rents and debts there to be done, by a great time (that is to say) by the space of two moneths then next following, openly dust not intend, and so his said business by the same time remained undone, and other enormities to him then and there, he put a gainst the publique peace to the damage of the said *I.* of forty pounds, and thereupon he then brought this suit, &c. And such like Proceffe thereupon is made in the same Court, before us in the upper Bench at *Westminster*, that the said *I.* ought to recover his damages against the said *E.* by reason of the Trespass, and assault aforesaid, but because it is unknown to the said Court, here what damage the said *I.* in this behalfe hath sustained, therefore we command you that by the Oaths of honest and lawful men of your Bayliwick, you diligently enquire what damage the said *I.* as well by reason of the Trespass and assault aforesaid, as for his costs and charges by him about his suit in this behalf laid out, hath sustained, and the Inquisition, which you shall thereof take you, make manifest before us in the upper Bench at *Westminster*, on Saturday next, after three weeks of *St. Michael*, under your Seales, and the Seales of them whose Oath you shall take, that Inquisition, together with this Writ, witnesse, &c.

A writ of Inquiry in an Action of Trespass and assault.

A Wrist of Pone.

The Wife of Pono

G Ranting, we command you that you put by pledges and safe sure-
ties, that he be before us in eight days of &c. wherefor
we do command F. B. of a piece of taking and unjustly detain-
ing of the good of his diocess F. and to them wherefore he did not
keep the day to him promised, before us from the day of the holy Trini-
ty, but he put after his promise aforesaid, at the fall of the said F. be-
fore us was put, and have you that the names of the pledges, and this
Write, etc. etc. etc.

A Writ of Habeas Corpus.

A writ of *Mittimus* to the Barons of the Exchequer after judgement reversed is an *Action Popular* by a writ of *Errour*, for the Defendant to have *Restitution*.

TO the Treasurer and Barons of Our Exchequer greeting, the Tenour of the Record and process of a certain Judgement in our Court before E. C. Knight and his associates, our Justices of the Bench, given and afterwards in our Court before us by reason of our Writ of Error for certain errors in the same found revoked of a certain plaint between T. C. whom writ for us as for himself did prosecute plaintiff, and Y. C. the 20. Dec. 87. of a plea of debt by reason of a certain arrearage or contempt against the form of the Statute in our Parliament at W. (in such a year) held of occupying farms by Ecclesiastical persons published and provided as in the Tenour of the Record aforesaid in these presents, included and annexed more fully appeareth under the foot of our seale, we have sent to you commanding that looking in that Tenour without delay you cause full restitution of all and singular the goods and chattels, and rents whatsoever of the Lands and Tenements of the said T. C. whatsoever in our hands by occasion of the said former Judgement taken or to have seizin to the said Y. C. according to that Record, witnesse &c.

Original

Original.

Greeting Sec. to answer R. L. of a plea, that whereas the said R. in his own damage at H. by the custom and service to him due by R. W. his servant had caused certain cattle to be taken, and the same R. W. had thereupon bound those cattle according to the law and customs of the kingdom of E. the said T. T. by force and arms, did break the pound aforesaid, and the cattle aforesaid did take and carry away, and other enormities to him offered, &c.

*Original in
Excheq. books
and taking away
cattle.*

Return Habund.

Charls Sec. To the Sheriff of E. greeting, whereas R. P. lately in our Court before us was summoned to answer E. D. of a Plea, wherefore he took the cattle of him the said E. (that is to say) one Steer, two Heifers, one Cow, and one Calf and them unoffly detained against Pledges and Sureties, &c. And the same R. in our same Court before us sought and avowed the taking of those Cattle; And afterwards a certain special issue between them the said E. and R. in our Court before us lately taken, the same issue was found for him the said R. against him the said E. And the Jurors of the Jury aforesaid, assessed the damages of him the said R. by occasion of the premises besides his costs and charges in this behalf sustained to 5 l. and for those costs & charges to 4 s. for which afterwards in our same Court before us it was considered that the said shall take nothing by his Bill aforesaid but for his false plaint thereof should be in mercy; and that the said R. should go thereof without day, and should have return of the Cattle aforesaid to be delivered to him irrepleviable for ever; and should recover against the said E. the damages aforesaid by the Jurors aforesaid in form aforesaid assessed, and also 3 l. to the said R. at his Request according to the form of the Statute thereof provided for his costs and charges aforesaid of increase by our Court before us adjudged, which said damages in the whole amount to 20 l. (or there) to the same R. by the Court of the said Lord the King now here out of their assent adjudged and

*Return Habund
after a Verdict.*

and therefore we command you that without delay you cause to be returned to the said R. the cattel aforesaid to be detained to him irrepleviable, we also command you take the said E. if &c. and him safely &c. wheresoever &c. to satisfie the said R. of the damages aforesaid, and have you there &c.

Janij 160

Return Habend.
irreplev. for
want of a Plea
in bar to the R.
county, and a
Writ of Inquiry
of damages.

Charles, &c. to the Sheriff of *Suffex* greeting, Whereas *Thomas W.* Gent. was summoned to answer *William Stradwick* Gent. of a Plea of taking and unjustly detaining of Cattel for that that the said T. (such a day and year as *William Green* in your County in a certain place there called *Northfield* did take the Cattel (that is to say) four Oxen and five Heifers of him the said *M.* and then unjustly did detain against pledges and sureties; on which the said *M.* in his own right well avowed the taking of the Cattel aforesaid in the aforesaid place, because he saith that the place in which it is supposed the taking of the Cattel aforesaid to be done did contain in it 30. acres of Land with the Appurtenances parcel of certain lands called *Shibwa* and *Lugbush* in *WV.* aforesaid; And that long before the aforesaid time, in which, &c. one *T. S.* was of the aforesaid place, in which &c.) amongst other things seized in his demesne as of Fee, and being so thereof seized the same *T. S.* afterwards, and before the aforesaid time of the taking aforesaid above supposed to be done (that is to say) the 5. day of *Novemb.* in the 42. year of the Reign of the late Lady *Elizabeth* late Queen of *England*; *WV.* aforesaid made his Testament and last Will in writing and afterwards therewith; And by the same Testament did give and bequeath to one *Mary* then wife of the said *T. S.* in satisfaction of her whole Dower 20. l. of lawfull money of *E.* by the year to be paid to the said *M.* or her Assigns yearly during her natural life, issuing out of all those lands called *S.* and *L.* aforesaid to be paid quarterly and every quarter of the year 5. l. of lawfull money of *England* as it should be due; and if it should happen the said yearly Rent of 20. l. or any parcel thereof to be behinde and unpaid, in part or in whole, after any Feast or Feasts in which it ought to be paid, that then it should be lawfull to sell for the said *M.* and her Assigns into all and singular the said Lands aforesaid, or any of them to enter and distrain, and the distress and distresses so taken lawfully to take, drive, carry away, and the same to detain untill the Rent aforesaid, and the arrears thereof (if any should be) should be fully satisfied, contented and paid to the said *M.* or her Assigns, and that the said Annuity or yearly Rent of 20. l. should begin at the Feast of *St. John the Baptist* from thence next following, as by the Testament of the said *T. S.* aforesaid more fully is manifest, and appeareth by vertue of which said gift and legacy the same *M.* was of the yearly Rent aforesaid for the term of her life possessed; and being so thereof possessed, the same *M.* afterwards (that is to say) the last day of *A.* (in such a year) at *WV.* aforesaid

faid

said took to her husband the said T. W. By vertue whereof the said T. W. was possessed of the yearly Rent aforesaid in right of the same M. And because 20. l. of the yearly Rent aforesaid in right of the same M. for one whole year ending at the Feast of S. M. the 1. (in such a year) were not onely unpaid but were behinde in arrear the same T. W. well avoweth the taking of the cattel aforesaid in the aforesaid place, in which &c. and justly, &c. as in parcel of the lands aforesaid with the appurtenances with the distress of him the said T. W. in form aforesaid charged and bound; And this he is ready to aver, whereupon he prayeth Judgment and return of the cattel aforesaid, together with his damages by him about his suit in this behalf expended according to the form of the Statute in such case lately published and provided to be adjudged to him, &c. with this that the said T. W. will aver that the same M. then was alive and in full life, (that is to say) at W. aforesaid, And it is in such manner proceeded in our Court before us that the said T. W. may have return of the cattel aforesaid irrepleviable for ever; And also that the same T. W. his damages by occasion of the premises against the said W. S. ought to recover according to the form of the Statute thereupon lately published and provided; And therefore we command you that the cattel aforesaid to the said T. W. without delay you cause to be returned to be detained to him irrepleviable for ever; And also by the oath of honest and lawfull men of your Bailiwick you diligently inquire what damages the said T. W. hath sustained, as well by occasion of the premises, as for his costs and charges by him about his suit in this behalf laid out. And the Inquisition which thereof you shall take, to us in &c. wheresoever &c. under your seal, and the seals of them by whose oath you took that Inquisition you send; and this Writ, writness, &c.

[*Amis*, &c. to the Sheriff of S. greeting, whereas J. P. in our Court before us at W. was attached by our Writ of second Deliverance, to answer R. A. of a plea; wherefore the same I. such a day and year at E. in your County, in a certain place, there called H. had taken cattel (that is to say, six oxen, of him the said R. And them unjustly had detained; against Pledges and Sureties. And the same I. on our same Court before us appearing, for a certain reason by him alledged in his own right, well avoweth the taking of the said Cattel, in the said place to be just, for 50. l. to the same I. of annuity or yearly rent of 5 l. for one half year ended, at the Feast of &c. (in such a year) being behinde and unpaid, as in the land charged with the distress of him the said I. And whereas the same R. in our said Court before us made default, and said nothing in bar to the Avowry of him the said I. aforesaid. For which, in our same Court before us it was considered of, that the said R. and his Pledges of prosecuting should be in mercy, And that the

*The same other-
wise upon a
writ of second
deliverance.*

said I. should have return of the cattel aforesaid irrepleviabie for ever; And that the same I. ought to recover his damage against the said R. by occasion of the premises, Therefore we command you that you cause to be returned to the said I. the cattel aforesaid irrepleviabie in form aforesaid. We also command you, that by the oath of 12. honest and lawfull men of your Bailiwick, you diligently inquire what damages the said I. as well by occasion of the premises, as for his collis; &c. laid out hath sustained. And the Inquisition which thereof you shall take to us in the eighth day of &c. wherefoever &c. under your seal, and the seals of them; by whose oath you took that inquisition you send, And this Writ, Witness T. Fleming at W. &c.

A writ of Resti-
tution, upon a
Judgment in
Audita querel.

I James, &c. to the Sheriff of Dorset greeting, whereas I.D. and R.D. lately in our Court before us at Westminster formerly (that is to say) in the Town of E. (in such a year) by Bill without our Writ, and by the judgement of the same Court recovered against I.C. gentleman and I.C. otherwise D. 14. l. and 6. d. for damages which the said I.D. and R.D. sustained as well by occasion of a certain trespass to the said I.D. and R.D. by the said J.C. and I.C. otherwise D. lately done as for their costs, &c. laid out whereof, &c. of Record, And whereas also for the more speedier obtaining of the damages aforesaid of the said I.D. and R.D. afterwards (that is to say) the threel and twentieth day of June (in such a year) did prosecute out of our said Court before us our certain Writ of *Fier. Fac.* directed to our then Sheriff of D. by which Writ to the same then late Sheriff we commanded that of the goods and chattels of the said I.C. and I.C. otherwise D. in his Bailiwick he should cause to be made (amongst other things) the said 14. l. and 6. d. And that he should have those moneys before us at Westminster on *Saturday* next after the morrow of All Souls then next following, to render to the said I.D. and R.D. for their damages aforesaid, by vertue of which said Writ I.S. Knig' t then Sheriff of your County of D. afterwards and before the return of that Writ (that is to say) the last day of August in the eleventh year aforesaid in his Bailiwick (that is to say) at *Dorchester* in your County caused to be made of the goods and chattels of the said I.C. (amongst other things) the said 14. l. and 6. d. and the same to the same I.D. and R.D. then and there rendered, as it appeareth to us of Record, And whereas afterwards (to wit) the 23. day of *October* in the eleventh year aforesaid the said I.C. had prosecuted out of our Court before us in our Chancery (the same Chancery at Westminster in the same County of *Middlesex* then being) our certain Writ of hearing the complaint of and upon the premises to our Justices assigned to hold Pleas in our Court before us shewing in the same Writ by a certain allegation that the said I.D. and R.D. the damages aforesaid of the goods and chattels of the said I.C. unjustly had procured to be levied and made, not to the little damage and grievance of him

him the said I.C. And is in such manner proceeded in our same Court before us upon the said Writ of hearing the complaint that a certain issue upon the allegation aforesaid between the parties aforesaid in our same Court before us was joyned, and a tryall by a certain Jury of the County thereupon had, whereupon afterwards (that is to say) on *Wednesday* next after 19. days of *Easter* in this same Term in our Court before us it was considered that the said I.D. and R.D. should have no further Execution against the said I.C. and I.C. otherwise D. or either of them, or against any the Lands, Tenements, Goods or Chattels of them the said I.C. and I.C. otherwise D. or either of them by reason of the recovery of the said 14.l. and 6.d. And that the same I.D. and R.D. from any further execution whatsoever by reason of the recovery of the said 14.l. and 6.d. should be wholly amoved and barred, And that the said I. and I. or either of them, and all their and both of their Lands and Tenements, Goods and Chattels, from such like recovery of the said 14.l. and 6.d. should be discharged; And that the said I.C. should have restitution against the said I.D. and R.D. of the said 14.l. and 6.d. of the goods and chattels of the said I.C. by force of the said Writ of *Fieri Fac.* levied, therefore we command you that of the goods and chattels of the said I.D. and R.D. or either of them in your Bayliwick you cause to be made the said 14.l. and 6.d. And those moneys to the said I.C. without delay you cause to be restored and delivered; And as this our Writ shall be executed to us from the day of the holy Trinity in 15. days wheresoever, &c. you cause to appear, sending back this our Writ, witness *E. Cook* at *Westminster* the sixth day of *June*, &c.

Greeting, Whereas *H.P.* lately in the Court of the Right Honour-
able *William* Earl of *Pembroke*, held at the Borough of *Newport* a Judgment ob-
before the Mayor and Bayliffs of that Burgesse without our Writ, ac-
cording to the custom of the same Burgesse, recovered against *Arthur*
Neds Gentleman 7.l. 4.s. and 1.d. for his damages, which he sustain-
ed as well by occasion of a certain Trespasse upon the Case to the same
H. by the said *A.* (as it was said) lately done, as for his costs and charges
by him about his suite in this behalf expended, whereof he was convicted
as by the looking into the Record and processe thereof which before us
for cause of Error in the same to be corrected we have caused to be
brought, and which before us now remaineth, to us appeareth of Re-
cord; And we for divers Errors in the Record and Processe aforesaid,
found the Judgment aforesaid, have revoked and wholly annulled;
And we have further considered that the said *A.* to all things which he
by occasion of the Judgment aforesaid hath lost, should be restored;
and the aforesaid *H.* had execution of the damages aforesaid, and of
those damages yet is possessed, as we have accepted; Therefore we com-
mand you that if it may appear to you the said *H.* his Execution of

the damages aforesaid by vertue of the Judgement aforesaid hath had then without delay you cause the said *A.* to have full restitution of those damages; And if Restitution thereof you cannot make, then you take the said *H.* if &c. and him safely, &c. so that you have his body before us from the day of &c. wheresoever &c. to restore and satisfy the said *A.* of the damages aforesaid in form aforesaid, and have you there this Writ, witness *H. Montague*, &c.

*A writ of Resti-
tution upon the
revoking of a
Judgement in
the Exchequer
Chamber.*

I Ames by the Grace, &c. greeting, whereas K. D. lately in our Court before us at W. by Bill without our Writ, and by the Judgement of the same Court recovered against E. C. 25. l. and 15. s. of arrearages in a certain plea of account, and also 8. l. and 18. d. for his costs and charges by him about his suit in this behalfe expended, whereof he was convicted, as it appeared to us of Record, and afterwards, that is to say the second day of M. (in such a year) the transcript of the Record and proccesse aforesaid, with all things thereunto belonging, by reason of our certain Writ of correcting the error by the said E. in the premises prosecuted before our Justices of the common Bench, and Barons of our Exchequer in the Chamber of the Exchequer aforesaid, according to the form of the Statute in the Parliament of the Lady Elizabeth lately Q. of E. at W. the 23 day of Novemb. in the 27 yeere of the reign of the same late Q. held, published from our said Court before us, were transmitted; and afterwards (that is to say) the 19 day of Novemb. (in such a year) above said before our said Justices of the common Bench, and the Barons of our Exchequer in the same Court of the chamber of the Exchequer aforesaid, it was considered of that the Judgement aforesaid for divers errors in the Record and proccesse aforesaid, being should be revoked, annulled, and wholly held for nothing; and that the said E. to all things which he by occasion of the Judgement aforesaid lost, should be restored; and afterwards the Record aforesaid and also the proccesse thereupon, before the said Justices and Barons of the Exchequer aforesaid in the premises had, the same Justices and Barons before us wheresoever we should be in E. have sent back according to the form of the Statute aforesaid; and which in our same Court before us are now remaining, and now on the behalf of the said E. in our Court before us, we have accepted that the said K. by reason of the former Judgement aforesaid had his Execution as well of the said 25. l. and 15. s. of the arrearages of the account aforesaid, as of the aforesaid 8. l. and 18. d. for his costs and charges aforesaid in the whole amounting to 33. l. 16. s. and 6. d. and that the same K. of those monies is not yet possessed, as we have likewise accepted; therefore we command you that if it shall appear to you that the said K. her Execution of the said 33. l. 16. s. and 6. d. by vertue of the Judgement aforesaid hath had then without delay, you cause the said C. F. to have full Restitution of the said 33. l. 16. s. and 6. d. and if thereof you cannot make restituti-

on,

on; then you take the aforesaid K. if &c. and safely &c. so that you have his body before us at W. on &c. to restore and satisfie the said F. of the said 33. l. 16 s. and 6. and have you then there &c.

Return Habend.

Greeting, whereas I. D. lately in our Court before us at W. was summoned to answer R. B. of a plea, wherefore he took one horse and one colt of him the said R. of the price of 3. l. and them from him doth yet unjustly detain against pledges and sureties; and the same I. in our same Court before us appearing claimed no property of the horse and colt aforesaid, and the said R. in our said Court affirming the said I. to be possessed, prayed that the said I. should wage delivery of those cattel; and the same I. from our said Court in contempt of the same Court did depart, not finding pledges to wage deliverance of those cattel as in our same Court before us more fully appeareth; therefore we command you as formerly we have commanded that taking of the said R. security of prosecuting his plaint, and also of the return of his cattel, if the return thereof shall be adjudged without delay you cause to be delivered to the said R. the horse and colt aforesaid; and attach the said I. B. so that you have &c. wherefore &c. to answer as well us of the contempt aforesaid, as the said R. of the damages and injuries to him in this behalf done; and further to do and receive that which our Court shall consider of in this behalfe, and have you there this Writ, witnesse &c. R. 23. H. 8. Roll. 44.

A return of the cattel and an Attachment a. against the party who claimed property and after departed the Court, not finding pledges to deliver the same

TO the Sh. raffe of *Midd.* greeting, whereas I. of &c. in our Court before our Justices &c. was summoned to answer I. B. of a plea wherefore he took the cattel (to wit) two heifers of him the said I. B. and them unjustly detained against pledges and sureties (as it is said) and because it seemeth to the said Justices at W. that the complaint of the said I. B. in the plaint which was in your County, without our Writ between the said I. B. and I. C. of the taking of the cattel aforesaid, and before our said Justices at W. from the day, &c. returned is not sufficient in the law to put the said I. before our said Justices to answer the same plaint, for that that the said I. is not named by any surname, it was considered of in our same Court that the said I. B. should take nothing by his plaint aforesaid, but that he should be in mercy; and the said I. C. should go thereof without day, and should have return of the cattel aforesaid; therefore we command you that without delay

Return of the cattel for that the plaint was not sufficient.

delay you cause to be returned to the said I. the cattel aforesaid as it just, witnesse &c.

Return Mand.

The Keepers of the liberty of *England* by authority of Parliament to the Sheriffe of *Middss.* greeting, whereas *I. W.* was summoned to be in the Court before us in the upper Bench; to answer *I. M.* Esquire, in a plea of taking and unjustly detaining of divers goods and chattels of him the said *I. M.* as it was said, and the same *I. W.* in the Court before us in the upper Bench at *Westminster* appearing, the said *I. M.* there made default, for which it was considered of in the same Court, that the said *I. W.* should have return of the goods and chattels aforesaid; therefore we command you that you cause the goods and chattels aforesaid to be returned to the said *I. W.* without delay, and not deliver them as to the complaint of the said *I. M.* without our Writ making expresse mention of the judgement aforesaid, and as this our precept shall be executed to us in the upper Bench (recting the return whereforever we shall be in *England*, you certifie together with this Writ witnesse.

Restitution.

The entry of a Writ of Restitution after judgement revoked, in a Writ of error, and if the monies first levied, cannot be restored, then a Fieri Fac. of the proper goods of the Defendant in the Writ of Error.

THe Lord the King sent his Writ close to the Sheriffe of *Y.* in these words—*Henry* by the Grace of God &c. greeting, whereas *R. W. Marchant*, lately in our Court of our City of *E.* held at the Guildhall of the City aforesaid before *P. E.* and *J. N.* late Sheriffe of the same County, without our Writ according to the custom of that City aforesaid, by a certain Jury of the Country, and by judgement of the same Court recovered against *T. Prior* of the Monastery of *N.* and of the same Convent *x. l.* of debt, and also &c. for his damages &c. laid out, whereof they were convicted, as by looking in to the Record and proceffe aforesaid thereupon, which before us for cause of error in the same to be corrected we have caused to come, to us appeareth of Record, which said record and proceffe being seen, and by our Court before us diligently examined, and fully understood. We for divers errors &c. in the judgement aforesaid, have revoked and annulled; and we have further considered that the said *P.* and *C.* to all things which they by occasion of the judgement aforesaid have lost, may be restored, and now on the behalf of the said *P. & C.* in our Court, before us, we have accepted that the said *x. l.* by reason of the judgement aforesaid formerly rendred, were levied, and to the said *W. R.* delivered; therefore we command you that if it be so, then without delay you cause the said *P.* and *C.* to have full restitution of the said *x. l.* if the same

same to the said P. and C. you can cause to be delivered, and as this our precept shall be executed, to us &c. whereforever &c. you cause to appear together with this Writ, witnesse &c. at which day before the said Lord the K. at W. came the said P. and C. by X. D. their Attorney, and the Sheriffe returned that he could not cause the said P. and C. to have restitution of the said x.l. by reason of the ludgement aforesaid formerly rendred levied and to the said R. W. delivered, for that that the said R. W. hath expended all and singular such monies before the coming of the Writ aforesaid, and to his own proper use converted, and further to the said Lord the king he certified, that the aforesaid R. W. had no goods nor chattels in his Bayliwick, whereof the said x.l. or any parcel thereof after the receiving of the said Writ he could make, or at present levy, as to him it was commanded; therefore it is commanded to the Sheriffe that he take the said R. if &c. and him safely &c. so that he &c. whereforever &c. to restore the said P. and C. the debt and dammages aforesaid in form aforesaid, &c. the same day is given to the said P. and C. &c.

The Return.

The awarding of the Capias to restore.

TO the Sheriffe of Y. greeting &c. that you take R. W. Marchant, if &c. to restore to T. Prior of the Monastery of N. and of the Convent of the same place x.l. which the said R. of and upon a certain plaint of debt by him in our Court of our City of E. against the said P. and C. prosecuted by reason of a certain ludgement in the same Court thereupon rendred recovered; and of the same is satisfied, which said ludgement for divers errours in the record and processe of that plaint found afterwards in our Court before us was revoked, for which it was considered of in our same Court before us (amongst other things) that the said P. and C. should have restitution thereof, as to us appeareth of record, and have you there this Writ, &c.

The Capias ibi etiam.

The Keepers of the liberty &c. greeting, although we have lately commanded you by our Writ that you should have the body of A. B. (in our prison under your custody as it was said, detained under safe and secure conduct, together with the day and cause of his caption and detention by what name soever the said A. B. should be censured in the same) before us in the upper Bench at Westminster on &c. (as the return was in the Habeas Corpus) last past so do and receive all and every those things which the Court before us in the upper Bench at Westminster shal then and there consider of in that behalfe, yet we being moved now with certain causes in the same Court before us in the upper Bench at Westminster, we command you and every of you that in whatsoever suits and plaints against him the said A. B. at the suit of C. D. in the Court before you or any of levied or affirmed, and before you or any of you now

A P. ordendo upon a Habeas Corpus.

now depending undetermined, in such manner you proceed, with what celerity you can, as according to the law and custome of this Nation, you think to be expedient our Writ aforesaid to you formerly directed, to the contrary notwithstanding, witnesse &c.

A Writ of Restitution to have possession of lands recovered, in a writ of entry in the Par. and the Cni. and a writ of Inquiry of the mean profit, and a Fieri Fac. for the same without a Scier. Fac.

TO the Sheriffe of L. greeting, whereas R. prior &c. lately in our Court before R. N. and his associates our Justices of the B. at W. by our Writ in the Par. and Cni. and by the Iudgement of the same Court recovered his seisin against G. F. of one Mesuage &c. with the appurtenances in R. and P. in your County, and also 40 s. for his damages, which he sustained, as well by occasion of a certain disseizin to one G. predecessor the said now P. of the Monastery aforesaid of the Tenements aforesaid made, as for the costs and charges of the now P. by him the said now prior about his suit in this behalfe expended, where of they are convicted, as by the looking into the record and processe thereupon, which before us lately for cause of error in the same to be corrected, we have caused to come, which before us now remain, so as appeareth of record, and we now for divers errors in the record and processe aforesaid, found the Iudgement aforesaid, have revoked and wholly annulled, and further we have considered that the said G. F. to his possession of the Tenements aforesaid, with the appurtenances, and to all things which he by occasion of the Iudgement aforesaid hath lost, should be restored; and the said now prior of the Tenements and damages aforesaid is yet possessed, as we have accepted; and therefore we command you that the said G. F. to his full possession of the Mesuage &c. with the appurtenances, without delay you restore and also by the oath of twelve, &c. you diligently inquire to what issues and profits of the Tenements aforesaid from the day of, &c. the year, &c. to be ended, which day Iudgement aforesaid in and upon the aforesaid Writ of Entry in the Par. and Cni. was rendered until from the day of &c. in the year, &c. and which day the same Iudgement before us was revoked do amount unto according to the true value of the same Tenements, besides the reprises and issues, and those profits, and the said 40 s. of damages aforesaid of the lands, goods and chattels of the said now J. Prior in your Balliwick, you cause to be made, and the moneys thereof to the said I. F. without delay you cause to be delivered, And as &c. to us &c. wheresoever, &c. you make to appear, Witnesse, &c.

A writ of Restitution after an Outlawy revoked directed to the late Sheriffe by a penalty.

TO H. S. late Sheriff of the County of T. Greeting, because in the Record and Processe aforesaid, and also in the proclaiming of outlawry against R. W. at the suit of T. S. of a plea of debt in the County of E. proclaimed and before R. N. and his Associates our Justices of the Bench returned, manifest Error happened; And we for divers Errors in the Record and processe aforesaid found have revoked the outlawry

lary aforesaid, and wholly annulled, and we have further considered, that the said R. W. to the Common Law of the K. of E. and to all things which he by occasion of the Outlary aforesaid, hath lost, should be restored, and lately on the behalf of the said R. W. in our Court before us, we have accepted that you by occasion of the Outlary aforesaid have taken and seized divers goods and chattels of him the said R. G. (to wit) three horses and two colts, to the value of 4 l. And them in your custody you yet detain to the grievous damage of him the said R. as out of his complaint we have accepted, whereupon the said R. hath supplicated us to provide for him a fit remedy in this behalf, and we being willing in this behalfe not to wrong the said R. we command you as many times we have commanded, that without delay you cause the said R. to have full restitution of his cattel, Goods and Chattels aforesaid, by you by the occasion of the Outlary aforesaid so taken, or you shew to us the cause wherefore our said commands so often thereupon to you directed, you would not or could not execute; and you despising our said commands, as we have accepted to the said R. W. his Cattel, Goods or Chattels aforesaid, to restore, or at least the cause wherefore you would not or could not do it, hitherto not caring in manifest contempt of us and of our commands aforesaid, and not to the little damage and grievance of him the said R. of which we wonder, and are moved very much; we yet command you as many times we have commanded, that without delay you cause the said R. W. to have full restitution of his Cattel, Goods and Chattels aforesaid, according to the Tenour of our commands to you formerly thereupon directed, or you your self be in your proper person before us from &c. wherefore, &c. to shew wherefore our commands so often to you thereupon directed, you have contemned to obey; and this in no wise you omit, under the penalty of 40 l. And have you &c. witnesse &c.

* G g g

Subpena

Subbpena.

Subbpena.

THe Keepers &c. to I. B. and C. D. greeting, we command you and both of you, notwithstanding all and every businesses and excuses whatsoever, that you be in your proper persons before Henry Rolle Chiefe Justice assigned to hold pleas in the upper Bench at Westminster on Friday the 29. day of November, at Guildhall London, to testifie all and every those things according to your and both of your knowledge and notice, which you or either of you have known in a certain Action now depending in the upper Bench at Westminster; undetermined between E. F. plaintiffe, and H. I. defendants in a plea of Trespass and Ejectment to be tryed between the said parties by a Jury of the Country, and this in no wise you omit, neither either of you omit upon the penalty of either of you one hundred pounds, witnesse &c.

Subbpena to testifie before the Sheriffs of London.

THe Keepers &c. as above, until these words, proper persons, before the Sheriff of London, the 15. of May, about one a clock in the afternoon, of the same day at Guildhall London, to testifie, &c. (as above untill) the day and place aforesaid, to be enquired of before the said Sheriffs by the oath of twelve honest and lawful men of the City of London aforesaid, witnesse. &c.

Scir. Fac.

A Scire Fac. against the bail for not performing in a Writ of Error.

Greeting, whereas A. H. lately in the Court, &c. as it appeareth to us of record, and whereas the said M. G. after (to wit) such a day and year prosecuted out of the Court of Chancery, the same Court at Westminster in thy County being) of and upon the Judgement aforesaid, a certain Writ of correcting the error returnable before the Justices of the common Bench, and Barons of the publick Exchequer in the Exchequer chamber, at W. on Saturday the 12 day of May (in such a year) according to the form of the Statute in such case lately made and provided, and whereas thereupon one T. I. of &c. I. D. of &c. and S. F. of &c. after (to wit) on W. next after

25 days of Easter (in such a year) in the Court before us in the upper Bench at W. in their proper persons personally came, and according to the form of the Statute for avoiding the unnecessary necessary delay of the execution thereof published and provided, did acknowledge themselves to owe, and every one of them by himself did acknowledge themselves to owe to the said A.M. 508.l. of lawful, &c. to be paid to the said A. his Executors or Assigns, and unlesse they should do it, they the said T. I. and S. granted and every one of them for himself did grant the said 408.l. of their and every of their lands and chattels, to be made and to be levied to the use of the said A. nevertheless, with a condition, that if the said M. I. should prosecute the said Writ of Error with effect, and also should satisfy and pay to the said A. if the Judgement aforesaid should be affirmed, the debt and damages aforesaid, and also the costs and charges which should be adjudged to the said A. by occasion of the delay of his Execution of the Judgement aforesaid by reason of the prosecution of our aforesaid Writ of Error, that then the acknowledgement aforesaid should be held for nought, otherwise it should remain in its force and effect, as by the inspection of the recognizance and condition aforesaid, which before us remain more fully appeareth, and whereas after (to wit) such a day and year, before the said Justices and Barons of the Exchequer, in the Exchequer chamber aforesaid, at W. aforesaid in your County, the aforesaid M. I. although solemnly required, did not come, neither prosecuted his aforesaid Writ of error, as by the inspection of the transcript of the record and proceffe thereof, which before us likewise remain more fully appeareth, and now on the behalfe of the said A. in the Court before us we have accepted that the same A. of the debt and damages aforesaid, is no ways satisfied; whereupon the said A. hath supplicated us, &c. wherefore the said 508.l. of their lands and chattels to be made, and to the use of the said A. to be levied, ought not, according to the force, form, and effect of the recognizance aforesaid, if &c. And further &c. Easter 15 of Car. Roll. the 96. see the recognizance entered upon the roll between *Grauer* and *Harris*.

The Keepers &c. to the Sheriffe of N. greeting, where as A. B. in the Court before us in the upper Bench at *Westminster*, recovered against *in debt*. *A Scire Facio*
C. D. two hundred pounds of debt, and also thirty shillings for his damages, which he sustained as well by occasion of detaining of that debt, as for his costs and charges by him about his suit in that behalfe expended, whereof he is convicted, as it doth appeare to us of record, and now on the behalf of the said A. B. in the Court before us in the upper Bench at *Westminster*, we have accepted that although the Judgement be thereof rendred, yet the execution of the said debt and damages doth yet remain to be made, whereupon the said A. B. hath supplicated to us accordingly in that behalfe, to provide remedy for him

him; and we being willing in that behalfe to do that which is just, we command you that y^e honest and lawfull men of your Bayliwick, you make known to the said C. D. that he may be before us in the upper Bench at Westminster on Wednesday next after the fifteen days of the holy Trinity, to shew if he hath or knoweth any thing for himselfe, wherefore the said A. B. ought not to have his execution against him of the debt and damages aforesaid; and further to do and receive; that which the same Court before us of that shall then consider, and have there then the names of them by whom you made known unto him, and this Writ; witnesse, &c.

*Scire Fac. for
part of a debt sa-
tisfaction being
acknowledged
for the residue.*

THe Keepers &c. to the Sheriffe of *Midd.* greeting, whereas A. C. lately in the Court &c. recorded against R. I. 400.l. of debt, and also &c. as it appeareth to us of record, and afterwards the same A. acknowledged himselfe to be satisfied by the said R. of 154.l. and 15.s. of the said 402.l. parcel thereof, yet execution of 247.l. and 5.s. residue of the said 402.l. to him the said A. yet remaineth to be made, whereupon the said A. hath supplicated &c. to shew &c. wherefore the said A. his execution of the said 247.l. and 5.s. residue of the said 402.l. ought not to have according &c.

*A Scire Fac. for
Refutation.*

THe Keepers &c. Whereas T. B. lately in the Court before us in the upper Bench at W. by bill, &c. recovered against T. I. and his wife executrix of &c. of W. D. late her husband deceased, and W. D. Co-executor of the said A. of the Testament and last will aforesaid, 33.l. and 10.s. as well by occasion of a certain Action of the Case to the said T. by the W. D. the Testator in his life lately done, as for &c. laid out of the goods and chattels which were of the said W. D. Testator at the time of his death in the hands of the said T. and A. and W. D. Co-executor, if so much they had in their hands, and if so much they had not in their hands then seven pounds and ten shillings of his costs and charges aforesaid, of the proper goods and chattels of the said T. I. A. and W. D. whereof they are convicted, as to us it appeareth of record, and whereas also 3.l. to the said T. B. were adjudged according to the form of the Statute thereof lately made and provided for his damage, costs and charges which he sustained by occasion of the delay of his execution of the Judgement aforesaid rendered in the said plea by reason of the prosecution of a certain Writ of Error by the aforesaid T. I. A. and W. D. Co-executor against the said T. B. before the Justices of the Common Bench and the Barons of the Exchequer, in the Exchequer Chamber according to the form of the Statute thereof late made and provided, prosecuted, whereof in the same Exchequer Chamber the said T. I. A. and W. D. Co-executor did not prosecute, the

the Writ of that error, as by the inspection of the record and processe thereupon in the Court before us in the upper Bench, remaining to us likewise appeareth of record, and that the said A. afterwards at London in the parish of &c. Cheap London dyed, and after the death of which said A. the said T. I. and W. D. Co-executor, did prosecute another Writ of us the said Keepers, of correcting the error of and upon the whole record and processe aforesaid against the said T. B. returnable before our Justices of the Common Bench, and the Barons of the Exchequer in the Exchequer Chamber, and thereupon afterwards (that is to say) the second day of Novemb. (in such a year) before the Justices of the Common Bench, and the Barons of the Exchequer aforesaid, in the Exchequer Chamber aforesaid, it was considered that the Judgement aforesaid, for the errors in the record and processe aforesaid, being should be revoked annulled and wholly held for nothing; and that the said T. I. and W. should be restored to all things which they had lost by occasion of that Judgement, as by the inspection of the record and processe thereupon in the Court before us &c. now remaining to us likewise appeareth of record, and now in the Court before us &c. on the behalfe of the said T. I. and W. we have accepted that the aforesaid T. B. his execution as well of the said 33.l. and 10.s. of the damages aforesaid in the Court before &c. in form aforesaid recovered as of the said 4.l. of costs and charges aforesaid before the said Justices and Barons aforesaid to the said T. B. in forme aforesaid adjudged, had, and of them yet is possessed; whereupon the said T. I. and W. have supplicated &c. to shew if &c. wherefore the said T. I. and W. ought not to have Restitution as well of the said 33.l. 10.s. of the damages aforesaid, as of the said 4.l. of costs and charges aforesaid, if &c. seem expedient and further &c. Witnesse, &c. 18. of November 16 of Charles between Juniper and his wife, and Drayton and Brinley.

THE Keepers &c. whereas our faithful and well beloved J. B. Knight, *scire Fac. for* chief Justice of the Common Bench, by the name of &c. lately in *the chief Justice* the Court before the Justices of the Common Bench by our Writ and *of the Common Bench.* by the Judgement of the same Court recovered against M. C. late of 2080.l. for his damages, &c. by occasion of the breach of certain Covenants, as for &c. laid out, whereof he is convicted, as by the inspection of the record and processe thereupon, which before us lately for certain causes we have caused to come appeareth to us of record, and now on the behalfe of the said, we have accepted, &c. (as in general Scire Fac. for debt.

J^{ames} &c. to the Sheriffs of London greeting, whereas E. R. lately in *Scire Fac. return- for the Deben- dant in default of Ex- or- u- n- able in the Exchequer Chamber ought not to be of Judgement.* our Court before us by bill without our Writ, and by the Judgement

of the same Court recovered against W. F. of &c. Knight, otherwise called W. F. of &c. gent. 8*l.* of debt, and also 3*l.* for his damages, which &c. as it appeareth to us of record, and whereas 50*s.* were adjudged to the said E. according to the form of the statute thereof lately published and provided, for his costs and charges, which he sustained by occasion of the delay of his execution of the Judgement aforesaid in the said plea by reason of the prosecution of our certain Writ of error, prosecuted by the said W. against the said E. before our Justices of the Common Bench, and the Barons of our Exchequer, in the Chamber of our Exchequer, according to the forme of the Statute thereupon lately published and provided; as by the looking into the record and proccesse thereupon in our Court before us now remaining to us likewise appeareth of record; and although the Judgement aforesaid be rendered, and the costs and charges aforesaid were adjudged, yet execution of the debt, damages, costs and charges aforesaid to him the said E. yet remaineth to be made, whereupon the said E. hath supplicated, &c. wherefore the said E. his execution of the debt, damages, costs and charges aforesaid ought not to have according to the force, forme, and effect of the recovery, and adjudging aforesaid, if to him it shall seem expedient, and further to do and receive that which our Court before us of him then and there shall consider in this behalf, and have you then there the names, &c. and this Writ, witnesse, &c.

A Scire Fac. for an Exceutor against an Administrator upon a Writ of Error returnable in the upper Bench, brought by the Administrator after the testators death and damages against him for delay of execution in the Testators life since adjudged.

I Amos &c. greeting, whereas R. B. gent. lately in the Court of the Lady E. late Q. of E. before Edm. Anderson knights, and his associates, then Iustices of her the said late Q. of the Bench, by his Writ recovered against A. M. of &c. as well 160*l.* of debt, &c. laid out, whereof he is convicted, as by the record and proccesse thereupon which before us for certain causes we have caused to come, appeareth to us of record, and afterwards the said A. died intestate, after whose death administration of all &c. credits which were of the said A. at the time of his death to one E. M. gent. in due manner was committed, and whereas also after the death of him the said A. 8*l.* to the said R. in our Court before us at W. were adjudged for his costs and charges which he sustained by occasion of the delay of the Execution of the debt and damages aforesaid by reason of the prosecution of our certain Writ of Error by the said E. of and upon the said Judgement in our said Court before us prosecuted, whereof the said Judgement in our same Court before us in all things is affirmed, as to us is likewise appeareth of record: and afterwards (to wit) the second day of M. (in such a yer) the said R. at P. in your County, made his Testament and last Will in writings, & by the same made and appointed I. B. gent. his Executor of that Testament and after there dyed, as by the Letters Testamentary of the said R. in our Court before us brought, fully appeareth; and now on the behalfe

of the said *T.* In our same Court before us we have accepted, that although the Iudgement aforesaid in form aforesaid be rendred, and although the costs and charges aforesaid, in form aforesaid be adjudged, yet Execution as well of the debt and dammages aforesaid, as of the costs and charges aforesaid, yet remaineth to be made; whereupon the said *I.* hath supplicated &c. whersoever &c. to shew if &c. wherefore the debt and dammages aforesaid of the goods and chattels which were of the said *A. M.* at the time of his death in the hands of the said *E. M.* ought not to be made, and to the use of the said *G.* to be levied according to the form and effect of the recovery aforesaid, and also wherefore the said *I.* his execution of the said *G. l.* for his costs and charges aforesaid, against him the said *E. M.* ought not to have according to the forme and effect of the adjudication thereupon aforesaid, if it shall seem to him expedient, and further &c.

CHawke &c. to the Sherriffe of Kent greeting, whereas *Toby Harrington* lately in our Court before our Iustices at W. by our Writ, and by the Iudgement of the same Court recovered against *Ann Hawke* late of &c. *I. A.* late of &c. *I. B.* late of &c. and *E. G.* late of &c. his term yet to come of and in the Mannor of *L.* and *F.* with the appurtenances, and of and in 10 Messuages &c. with the appurtenances in *L. G. P. B. C.* and *D.* in your County which *N. H.* Esquire demised to the said *T.* to a term of years (to wit) from the first day of *M.* in the 14 year of &c. untill the end and term of five years from thence next following, and fully to be compleat and ended; by vertue of which Demise the said *T.* into the Manour and Tenements aforesaid with the appurtenances entered, and was thereof possessed, and he the same *T.* being so thereof possessed the said *A. I. I.* and *E.* afterwards (to wit) such a day and yeere, by force and arms, &c. into the Mannours and Tenements aforesaid, with the appurtenances which the said *N.* to the said *T.* in forme aforesaid demised to the terme aforesaid, which is not yett past did enter, and him from his Farm aforesaid did eject, and also 40 *l.* for his dammages which the same *T.* sustained as well by occasion of the Trespasse and ejectment aforesaid, as for his costs &c. laid out whereof they are convicted as by the viewing of the record & processe which before us lately for certain causes we have caused to come, appeareth to us of record, and now on the behalfe of the said *T.* in our Court before us we have accepted, that although the Iudgement aforesaid be rendred, yet the execution as well of causing to have to him his possession of his term aforesaid, yet to come of and in the Manour and Tenements aforesaid, with the appurtenances, as of the dammages, costs and charges aforesaid to him yet remaineth to be made; whereupon the same *T.* hath supplicated us &c. whersoever &c. wherefore the said *T.* his Execution against them as well of causing to have to him his possession of his term

Scire Fac upon a
Writ of Error
in Trespasse and
Ejectment.

terme aforesaid yet to come of and in the Mannour and Tenements aforesaid with the appertinances as of his damages, costs, and charges aforesaid ought not to have according &c. of the recovery aforesaid if &c. And further &c. And have you there the names of &c. Witnesse &c.

*Scir. Fac. to bear
Errors,*

Charles &c. Greeting, because in the Record and Proceffe and also in rendering of Judgement, the plaint which was in our Court before R. H. and his Associates, our Justices of the B. by our Writ between R. B. Plaintiffe, and S. S. late of &c. of a certaine Trespasse and Ejectment of Farme to the same R. by the said S. lately done as it is said manifest Errorr happened to the grievous damage of him the said S. as out of his complaint we have accepted, the Record and Proceffe of which said Judgement thereupon before us lately for certaine causes we have caused to come, and we being willing the Errorr if any shall be in due manner to be corrected and full and speedy Justice to be done to the parties aforesaid in this behalfe, We command you that by honest &c. that he be &c. wheresoever &c. to heare the Record and Proceffe aforesaid if to him &c. and further &c. And have you there &c.

*Scir. Fac. upon
a Judgement in
the Common
Bench, whereof
Ct. after a Writ
of Errorr.*

Charles, &c. Greeting, whereas M. R. and I. P. lately in our Court before R. H. and his Associates our Justices &c. by our Writ, and by the Judgement of the same Court, recovered against R. S. late of &c. Executor of the testament of R. S. late of &c. 20 li. of debt, and also 10 li. for his damages &c. laid out of the Goods and Chattels which were of the said T. at the time of his death, in the hands of the said R. being to be levied if so much he had in his hands. And if so much he had not in his hands, then the damages aforesaid of the proper Goods and Chattells of him the said R. whereof he is convicted as by the viewing of the Record and Proceffe thereof which before us &c. to come appeareth to us of Record, and now on the behalfe of the said M. and I. in our Court before us we have accepted that although the Judgement &c. to be made, whereupon the said I. and M. have supplicated &c. wherefore the said I. and M. their Execution against him of the debt and damages aforesaid ought not to have according to &c. of the recovery aforesaid if &c. and further &c. Witnesse &c.

*Judgement upon
a non proce in
a writ of Errorr.*

Afterwards (that is to say) the 11 day of Nov. (in such a yeare) the transcript of the Record and Proceffe aforesaid, betweene the parties aforesaid with all things thereunto belonging, by reason of a certaine Writ of the said Lord the King of E. correcting the errorr by the said

said *H. G.* and *R. I.* in the premisses prosecuted before the Justices of the said Lord the King of the Common Bench and the Barons of the Exchequer of the said Lord the King of the degree of the Coyse in the Chamber of the Exchequer aforesaid (according to the forme of the Statute in the Parliament of the Lady *Eliz.* late *Q.* of *E.* at *W.* the 23 day of *Nov.* in the 27 yeare of her raigne held and published) from the said Court of the said Lord the King here before him the said King were transmitted. And thereupon the aforesaid *H. G.* and *R. I.* in the same Court of the Exchequer Chamber aforesaid by the said *I. B.* his Attorney came and prayed day to alligne the error or errors in the Record and Proesse aforesaid, whereupon by the same Court day was given to the same *H.* and *R. I.* the error or errors in the Record and Proesse aforesaid, untill Saturday the 3 day of *Feb.* (in such a yeare) at which day before the said Justices of the said Lord the King of the Common Bench and the Barons of the Exchequer of the same Lord the King in the said Court of the Exchequer Chamber aforesaid the said *H. G.* and *R. I.* solemnly required came not neither were there a. fore said Writ of Errorr against the said *R. S.* further prosecuted. Therefore then and there in the same Court of the Exchequer Chamber a. fore said it was considered of that the said *H.* and *R. I.* should be from thence into mercy, &c. And moreover then in the same Court it was considered of that the said *R. S.* should recover against the said *H.* and *R. I.* 40 s. to the said *J. S.* out of his assent by the said Court there adjudged according to the forme of the Statute thereupon put forth and provided for his damages, costs, and charges which he sustained by occasion of the delay of the Execution of the Judgement aforesaid by reason of the prosecution of the aforesaid Writ of Errorr, whereupon the Record aforesaid and also the Proesse aforesaid to the Justices of the Common Bench and the Barons aforesaid, before them in the premisses had before the said Lord the King, wheresoever &c. by the Justices and Barons aforesaid, were remitted according to the forme of the Statute aforesaid in the 27 yeare abovesaid. And which in the same Court of the said Lord the King here now remaine, damage in whole 13 li. 12 d. *Trin.* 13. *Cor. Rot.* 1583.

Afterwards (that is to say) such a day &c. as above until these words) were transmitted, and thereupon the said *H. P.* in the same Court of Exchequer Chamber aforesaid by *W. B.* his Attorney summoned came and there assigned and alleged a certaine cause for the Errorr on the Record and Proesse aforesaid for the revoking of the Judgement aforesaid to be had and afterwards the aforesaid *I. B.* in the same Court of the Exchequer Chamber aforesaid by *R. A.* his Attorney likewise came and said that neither in the Record and Proesse aforesaid nor in the rendering of the Judgement aforesaid in any thing was erred. Whereupon afterwards (to wit) such a day and yeare) being scene and

*Judgements of
formed in writs
of Errorr with
costs for delay. o*

* H h h

by

by the Court of the Exchequer Chamber aforesaid, diligently examined and more fully understood as well in the Record and Proceſſe as aforesaid, and in the Judgement aforesaid upon the ſame rendered as the ſaid caſe ſeemeth by Error by the ſaid H. assigned and alleaged did ſeeme to the ſame Court of the Exchequer Chamber aforesaid, that the Record aforesaid was in nothing defective or vicious, and that in that Record in nothing was erred. Therefore then and there in the ſame Court of the Exchequer Chamber aforesaid it was conſidered of, that the Judgement aforesaid in all things ſhould be affirmed, and ſhould ſtand in all his ſtrength and effect (the ſaid caſe for error assigned and alleaged in any thing notwithstanding) and moreover then in the ſame Court it was conſidered of that the ſaid I. B. ſhould recover againſt the ſaid H. 4*l.* to the ſame I. B. out of his ſſone by the Court of the Lord the King there adjudged according to the Forme of the Statute thereof publiſhed and provided; which he ſuſtained by occaſion of the delay of the Execution of the Judgement aforesaid, by reaſon of the proſecution of the aforesaid Writ of Error, Whereupon &c. (as above) Trin. 9. Jac. Roll. 759.

Judgements upon
a writ of Error
after a Judge-
ment revoked.

Afterwards &c. as above, were tranſmitted, and afterwards (that is to ſay) the 19 day of Novemb. (in ſuch a yeare) aboveſaid, before the aforeſaid Juſtices of the ſaid Lord the King of the Common Bench and Barons of the Exchequer of the ſaid Lord the King, in the ſame Court of the Exchequer Chamber aforesaid, came the ſaid F. by R. *Amoribus* his Attorney, and the aforeſaid K. although forewarned and ſolemnly required, came not but made default, whereupon being ſeen and by the Court of the ſaid Lord the King in the ſame Court of the Chamber of the Exchequer aforesaid, diligently examined and more fully underſtood in all and ſingular the premiſſes and mature deliberati. on thereupon had, it was conſidered of that the Judgement aforesaid for divers Errors in the Record and Proceſſe aforesaid, being ſhould be revoked, annulled, and wholly held for nothing, and that the aforeſaid F. to all things which he by occaſion of the Judgement aforesaid he hath loſt ſhould be reſtored &c. And thereupon the Record aforesaid and alſo the Proceſſe thereupon before the Juſtices of the Common B. and the Barons of the Exchequer aforesaid in the premiſſes had the ſame Juſtices of the Common Bench and Barons of the Exchequer before the ſaid Lord the King, whereſoever &c. did remit according to the forme of the Statute aforesaid, and which in the ſame Court of the ſaid Lord the King, here now remaine &c. Hilary 10 Car. Roll. 505.

Scire Fac. a-
gainſt Manu-
captors upon a
writ of Error
returnable in
the Exchequer
Chamber.

Charles &c. To the Sheriffe of *Midd.* greeting, whereas T. B. and
C. I. his Wife, lately called I. L. of L. Widow, lately in our Court
be.

before us at W. by bill without our Writ, and by the Judgement of the same Court recovered against T. A. otherwise called &c. 200 li. of debt, and also 50 s. for his damages which &c. appeareth to us of record, and whereas the aforesaid T. A. afterwards (to wit) such a day and yeare) had prosecuted out of our Court of our Chancery (the same Court then at W. in our County of M. being) of and upon the Judgement aforesaid our certaine Writ of correcting the error returnable before our Justices of the Common Bench and the Barons of our Exchequer in the Chamber of our Exchequer at W. on *Tuesday* the 5 day of Feb. (in such a yeare) according to the Forme of the Statute lately published and provided, and whereas thereupon one T. H. of &c. and M. H. of &c. afterwards (that is to say) on *Wednesday* next after 15 dayes of Saint *Marvin* (in such a yeare) aforesaid in our Court before us at W. in their proper persons personally came and according to the Forme of the Statute for the avoiding of the unnecessary delay of the Execution thereupon published and provided, did acknowledge themselves to owe and both of them by himselfe did acknowledge himselfe to owe to the said T. B. and J. his Wife 405 li. of lawfull money of England, to be paid to the said T. B. and J. or either of them their Executors or assigns or either of them, and unlesse they should doe it they the same H. and M. granted and both of them by himselfe did grant the said 405 li. of his Lands and Chattells and both of them to be made and to the use of them the said T. B. and J. or either of them to be levied. Nevertheless with a condition that if the said T. A. should procure the said Writ of Error with effect, And also should satisfie and pay the said T. B. and J. or either of them (if the Judgement aforesaid should be affirmed) the debt and damages aforesaid and also all costs and charges which should be adjudged to the said T. B. and J. by occasion of their delay of their Execution upon the Judgement aforesaid by reason of the prosecution of the said Writ of the said Lord the King of Error: that then the recognizance aforesaid should be held for nought otherwise should remaine in all force and effect, as by the viewing of the recognizance and condition aforesaid which before us remain more fully appeareth, and whereas afterwards (that is to say) the 25 day of May (in such a year next following) before the said Justices and Barons of the Exchequer in the Chamber of the Exchequer aforesaid at W. in your County the said T. A. although solemnly required came not, neither prosecuted his said Writ of Error, as by the transcript of the said Record and Proesse thereupon which before us likewise remaine more fully appeareth, and now on the behalfe of the said T. B. and J. in our Court before us we have accepted that they the said J. B. and J. of the debt and damages aforesaid are unsatisfied, neither is either of them satisfied, whereupon the said T. B. and J. have supplicated &c. before us at W. on Fryday next after eight dayes of the holy Trinity, to shew if &c. wherefore the said 405 li. of their Lands and Chattells to be made

and to the use of the said T. B. and J. his Wife to be levied ought not according to the force, forme and effect of the recognizance aforesaid if &c. and further &c. and have you there &c. Witnesse *J. Bramston* the 14 day of *June*, 15 yeare of *Charles* &c. Alias dated the 21 of *June* on *Saturday* next after 15 dayes of the holy Triallty.

The same Writ
other wise.

C *Charles* &c. to the Sheriffe of *Middlesex*, Greeting, W. L. &c. and T. S. of &c. on Thursday next after the morrow of the Purification of the blessed *M.* in the eight yeare of our R. in] our Court before us at *Westminster* in their proper persons came and according to the form of the Statute for the avoiding of the unnecessary delay of the Execution thereof published and provided acknowledged themselves to owe and both of them by himselfe acknowledged himselfe to owe to H. M. 202 li. and 10 s. of lawfull &c. to be paid to the said E. his Executors or Assignes, and unlesse they should doe it they the said W. L. and T. S. granted and both of them by himselfe granted the said 202 li. and 10 s. of their and both of their Lands and Chattells to be made and to the use of him the said E. to be levied as by the Record thereupon in our same Court before us remaining manifestly appeareth, which said 202 l. and 10 s. the said W. L. and T. S. have not paid neither either of them have paid, as by the infinnation of him the said E. in our Court before us we have accepted, whereupon the said E. hath supplicated us &c. Wherefore the said 202 li. and 10 s. of their and every of their Lands and Chattells aforesaid, and to the use of the said E. to be levied according to the force forme and effect of the recognizance aforesaid if &c. Witnesse &c.

Scire Fac. after
Judgement affi-
med in a writ of
the Court where
part of the dam-
ages were paid

J. *James*, &c. To the Sheriffes of *London*, greeting. Whereas W. B. lately in our Court before *Edward Cooke* Knight, and his Associates then our Justices of the Bench at *Westminster*, by a certaine Jury of the Country, and by the Judgement of the same Court recovered against *R. Newdigate* late of &c. 117 l. for his damages which he sustained aswell by occasion of a certaine Trespasse upon the case to the same W. by the said R. lately done as for his costs, &c. in that behalfe laid out whereof he is convicted, as be viewing of the Record and Proccesse thereupon which before us for certain causes we have caused to be brought appeareth to us of Record, and whereas in our Court before us were lately adjudged to the said W. five pounds for his costs and charges which he sustained by occasion of the delay of the Execution of the damages aforesaid by reason of the prosecution of our certaine Writ of Error by the said R. upon the Judgement aforesaid, in our Court before us prosecuted. Whereupon the said Judgement in our Court before us in all things is affirmed as to us likewise appeareth of Record, of which said damages

damages costs and charges, the same W. acknowledgeth himselfe to be satisfied, and contented by the said R. of 100.l. parcel of the aforesaid damages costs and charges; and now on the behalfe of the said W. In our Court before us, we have accepted that although the Iudgement be thereupon rendred, and the costs and charges aforesaid by the occasion aforesaid, were adjudged; yet the execution of 22.l. for the residue of the said damages costs and charges to him the said W. yet remaineth to be made, whereupon the said W. hath supplicated us, &c. wherefore, &c. to shew if &c. wherefore the said W. his execution against him of the said 22.l. residue of the said damages costs and charges, ought not to have according to the forme force and effect of the recovery and adjudging aforesaid if &c. and further &c. witness &c.

Charles &c. to the Sheriffs of M. &c. greeting, wherem N. P. lately &c. recovered against W. T. 100.l. of debt &c. appeareth to us of record, and although the Iudgement thereupon be rendred yet &c. remaineth to be made, and the said W. is dead, as out of the insinuation of the said N. in our Court before us we have accepted, and because we are willing those things which in our said Court are done, so be brought to due execution, and whereupon the said N. hath supplicated &c. is just, to our Sheriffs of London, we lately commanded that by honest and lawfull men of their Bailiwick, they should cause to be known to the heirs of the said W. and the Tenants of all the lands and tenements in his Bayliwick, of which the said W. or any other person or persons to the use of him the said W. and his heirs was seized on Friday next after &c. (in such a yeere or as any time afterward, (which day the Iudgement aforesaid against the said W. was rendered) that they should be before us (such a return) to shew if &c. wherefore the said N. his execution against them of the debt and damages aforesaid, of the lands and tenements aforesaid ought not to have according to the force form, and effect of the recovery aforesaid, if &c. and further &c. that which our Court before us of them then and there shall consider in that behalfe; and our said Sheriffs of L. at that day returned to us that there are neither is any heir or heirs of the said W. and that there are nor is any tenant or tenants of any Lands or Tenements in their Bayliwick of which the said W. or any other person or persons to the use of him the said W. and his heirs was or were seized the aforesaid day of the rendring of the Iudgement aforesaid or any other day afterwards, to whom they could cause to be made known according to the exigence of that Writ, whereupon on the behalfe of the said N. In our Court before us it is sufficiently testified that there are or is heir or heirs of the said W. and that there are or is Tenant or Tenants of the Lands or Tenements which were of the said W. the aforesaid time in your Bayliwick to whom you may cause to be known; therefore we command

A Scire Fac. against an heir and the Tenants of his land upon a return that there is no heir in the County where the Action is laid and Iudgement entered, and thereupon a writ is made into the proper County where they live.

you

you that by honest and lawful men of your Baylliwick, you cause to be made known to the said heirs of the said W. and the Tenants, &c.

*Scir. Fac. against
Manucaptors up-
on a Judgement
in the Testators
life time.*

I Ames &c. to the Sheriffs of *Middlesex* greeting, whereas T. G. gent. now deceased, in his life lately in our Court before us, by bill without our Writ, and by the Judgement of the same Court, recovered against T. B. otherwise called &c. 100l. of debt, and also 6l. 12d. for his damages &c. as appeareth to us of Record, and whereas W. A. of &c. and Jo. Doe of *London*, Yeoman, formerly (that is to say) in the Term of St. M. (in such a year in our said Court before us personally came and became pledges and Manucaptors and both of them by himselfe became a pledge and Manucaptor for the said T. B. that if it should happen the said T. B. in the plea aforesaid to be convinced, then they the said Manucaptors granted, and both of them by themselves did grant as well the debt aforesaid, as all such like damages costs and charges, which to the said T. G. in this behalfe should be adjudged of their and both of their lands and chattels to be made, and to the use of the said T. G. to be levied, if it should happen the said T. B. the debt and damages aforesaid to the said T. G. not to pay, or himselfe to the prison of the Marshal of our Marshalsea before us upon that occasion, not to render, yet the said T. B. the debt and damages aforesaid to the said T. G. hath not paid, nor himselfe to the prison of the Marshal of our Marshalsea before us upon that occasion hath rendered, whereupon afterwards (that is to say) in the Term of Easter (in such a year) it was in such manner proceeded in our said Court before us, that there it was considered that the said T. G. should have his execution against the said W. A. and *Iohn Doe* of the debt and damages aforesaid, according to the force, form and effect of the recognizance aforesaid, as to us it likewise appeareth of Record; and afterwards the T. G. at *Westminster* in your County made his Testament and last Will in writing, and by the same made and appointed M. G. his wife his Executrix of that Testament, and afterwards there dyed, as by the Letters Testamentary of the same T. G. in our Court before us fully appeareth; and now on the behalfe of the said M. in our Court before us, we have accepted that although &c. the Judgement aforesaid be rendered, and although the Execution of the debt and damages aforesaid against the said Manucaptors in forms aforesaid were adjudged, yet the execution of the same debt and damages to the said T. G. in his life wholly remaineth to be made, and to the said M. yet remaineth to be made, whereupon the said M. hath supplicated &c. to shew if &c. wherefore the said M. Execution against them of the debt and damages aforesaid, ought not to have according to the force, forme and effect of the recognizance, and an adjudging of execution aforesaid if &c. and farther &c.

Super sedem

Superfedeas.

TO the Sheriffs of *Middlesex*, greeting, whereas by our Writ we have lately commanded you that you should cause to be required P. G. late of &c. and I. B. late of &c. from County to County until according to the law and customs of our K. of E. they should be outlawed if they had not appeared; and if they had appeared, then you should take them, and them should safely keep, so that you should have their body before us from the day of St. M. in one moneth, wheresoever we should then be in E. to answer G. F. of a plea wherefore by force and armes the Clofe and House of him the said G. as the parish of *St. Giles* in the Fields, they did breake, and one horse of the said G. of the price of x.l. and one Mare of the said G. of the price of 5.l. there found did take and carry away, and other enormities to him they brought, to the great dammage of him the said G. and against our peace, yet because the said P. and I. by R. A. their Attorney before the issuing forth of our said Writ of Exigent, before us appeared, and as much as they could offered themselves to answer the said G. of the plea aforesaid and so our Writ aforesaid against them improvidently issued forth; therefore we command you that from further requiring, outlawing, taking, or in any wise molesting you altogether Superfedeas the said P. and I. Witnesse T. F. &c.

Superfedeas upon an Exigent in the upper Bench.

Charles &c. to the Warden of our prison of the Fleet, or to the holder of his place there greeting, Whereas W. S. lately in our prison under the custody of the Marshal of our Marshalsea, before us in due manner was committed and detained, and thereupon afterwards (that is to say) the sixth day of I. in the fifth year of our reign, the said W. by our certain Writ out of our Court before our Justices of the Bench issuing to the said Marshal of our Marshalsea aforesaid, directed, and was then committed to our prison of the Fleet under your custody and by return of the said Writ amongst other things, was charged that he was detained of and in discharge of his Manucaptors of and upon a certain Judgement of 40 l. at the suit of I. E. and for that that the said I. E. from the said sixth day of *June* hitherto was not prosecuted against the said W. of and upon the Judgement aforesaid, and because the same W. in our Court before us now findeth sufficient Manucaptors to answer the said I. and also to satisfy the said I. of his debt aforesaid,

Superfedeas to the wardens of the Fleet.

if

if the said I. thereupon against him the said W. should proceed; Therefore we command you that from taking, attaching him the said W. or him for that occasion any wise molesting you, altogether Superfede, and if him for that occasion and no other, you have taken then him from that prison wherein he is so detained if upon that occasion, and no other he should be detained, without delay you cause to be delivered on peril thereon falling, witnesse, &c.

Superfedeas upon habere fac. poss. and writ of Inquiry damages thereupon.

I Amos &c. to the Sheriffe of N. greeting, whereas T. C. &c. (reciting the *habere fac. poss.* until these words) ejected, expelled and a. moved; and whereas thereupon by our Writ we have lately commanded you that the said T. C. his possession of his tenements afore said then to come of and in the Tenements afore said, with the appurtenances, without delay you should cause to have, and as this our precept shall be executed to us at W. on Saturday, &c. you should cause to appear, and whereas also by the same Writ we lately likewise commanded you that by the oath of honest and lawful men of your County, you should diligently inquire what damages, &c. and that you should have there then the names of them by whose oath you made that inquisition, and that Writ, and because that Writ from our said Court before us unjustly and improvidently issued; therefore we command you that as well from causing the said T. C. for the cause afore said, to have possession of the Tenements afore said, as of inquiring of the damages afore said by occasion of the Trespass and Ejectment afore said, or the Writ afore said in any wise to execute, you altogether Superfede, and if the possession of the Tenements afore said to the said T. C. by vertue of the Writ afore said you have caused to have, or if any inquisition by reason of the Writ afore said you have made; then the possession of those Tenements to the said T. A. you restore and that inquisition in your custody you retain our Writ afore said to us in no manner returning, witnesse, &c.

The like in an Audita Querela upon a Descentance alleged.

I Amos &c. to the Guardian of our prison of the Fleet, or to the holder of his place there greeting, whereas A. Jennings gent. lately in our Court before us at W. by bill without our writ, and by the judgement of the same Court recovered against Edmund Nicholson gent. 100. l. of debt, and also 20. s. for his &c. appeareth to us of Record; and afterwards the same E. in our prison of the Fleet under your custody in execution for the debt and damages afore said in due manner was committed, and whereas thereupon the same E. had lately prosecuted out of our Court of Chancery our certain Writ of hearing the complaint, upon the judgement afore said to our Iustices assigned to hold pleas in our Court before us directed, alleged and suggesting, by the same Writ.

that

that he the same E. was taken, detained and imprisoned by occasion of the judgement aforesaid unjustly; not to the little damage and grievance of him the said E. and against the law and custome of our kingdom of *England*, and also against the form and effect of a certain Indenture of defeasance under the hand and seale of the said A. upon the judgement aforesaid lately made; and because upon our same Writ of hearing the Complaint, the same E. in our Court before us at W. in this same Terme by due forme of law hath found sufficient Manucaptors for the appearance of him the said E. in our Court before us in eight days of *St. Hilary*, wherefoever we should then be in E. and so from day to day untill &c. and to satisfie the same A. of the debt and damages aforesaid, if it should happen the said E. at the same eight days of *St. H.* or at any day to him by our Court before us in the premises prefixed or to be prefixed, not to appeare; or the aforesaid Writ of hearing the complaint, not to prosecute with effect; or if it should happen the judgement upon the same Writ of hearing the complaint for the said A. against the said E. to be rendred; and him the said E. the debt and damages aforesaid to the said A. not to satisfie; therefore we command you that from further imprisoning, detaining and keeping him the said E. in execution for the debt and damages aforesaid by reason of the judgement aforesaid, or him the said E. for that occasion any wise to molest you altogether supersede; and if he the said E. for that occasion (and no other) you detain, then him from the prison in which he under your custody is so detained (if for that occasion and no other he be detained) without delay you cause to be delivered, upon perill thereon falling, witnesse, &c.

Charles, &c. to the Sheriffs of *London* greeting, whereas lately to you by our Writ we have commanded that you should cause to be required, *William Iohnson* late of *Engfeld* in the County of *Middlesex*, gent. and *William Beadle* late of *Engfeld* in the County of *Middlesex* Yeoman, from Hustings to Hustings until according to the Law and custome of our K. of E. they should be outlawed if they should not appeare; and if they should appeare, then you should take them, and them safely should keep, so that you should have their bodies before us wherefoever we should be in E. at a certain day now to come to answer *Iohn Wilford* of a plea, wherefore by force and armes on him the said I. at *London* they made an assault and him did beat wound and evil intreat so that of his life he did despair, and other enormities to him they offered, to the great damage of the said I. against the publique peace; yet because before the issuing forth of our said Writ of Exigent, one *William Iohnson*, and *William Beadle* of *East Barnet* in the County of *Hertford*, saying that they are the same persons against whom the said I. brought his Writ aforesaid; and that they are and at the day of the following

Supersedeas upon an Exigent, being the Defendants addition, is not of the same County and Town where they dwell.

ling of the Original Writ aforesaid, were conversant and abiding at East Barnet in the County of Hertford, and not at Engfield in the County of Middlesex, and saving to themselves all and all manner of their exceptions and advantages to the Writ aforesaid by R. A. their Attorney are ready and as much as in them lies, offer themselves to answer the said I. in the plea aforesaid, and so our Writ of Haigent aforesaid, against them improvidently issued, that from further requiring, taking, outlawing, or any way molesting the said W. I. or the said W. B. by occasion of the premises, you altogether Superfede, and have you there this Writ, witness I. Bramston at Westminster &c.

A Superfedeas upon a Statute acknowledged after a writ of Error in the upper Bench.

Charles &c. to our Guardian of the prison of the Fleet greeting; Whereas our Lord James, lately king of England, by his Writ lately commanded the Sheriffe of O. that he should take W. C. knights and Barronet, if he should be, &c. and him safely &c. so that &c. before the said Lord the King, at a certain day now past, wherefore we should then be in L. to satisfy A. C. and R. C. Executors of the Testament and last Will of I. C. deceased as well of 300*l.* of damages which to the same A. C. and R. C. in our Court before the Iustices of the said late Lord the King of the Bench at W. were adjudged for their damages, which they sustained as well by occasion of not performing of certain Covenants, as for their costs and charges by them about their suit in that behalfe laid out, whereof the said W. is convicted, as by the viewing of the record and proccesse which before the said late Lord the King, for certain causes the said late Lord the king caused to come to us appeareth of record, and whereupon in our same Court of our said late Lord the K. it was considered of that the said A. & R. should have against him their Execution, as of 6*l.* which to the said A. and R. in our Court before us were adjudged for their damages which they sustained by occasion of the delay of the Execution aforesaid, by reason of the prosecution of a certain Writ of the same late Lord the K. of Error by the said W. of and upon the premises in the said Court of the said late Lord the K. before him the said late King prosecuted, whereupon the same W. was convicted, as to the said late Lord the King, likewise appeared of record, and whereupon it was likewise considered of that the said A. and R. should have thereupon against him their Execution, and whereas the same W. after that he by vertue of the Writ aforesaid, by the said Sheriffe of O. was taken and arrested in due manner was committed to our prison of the Fleet under your custody in execution for the damages, costs and charges aforesaid charged, and in execution for those damages costs and charges under your custody, is detained; and because the same A. and R. in our Court before us now came, and upon the record of the Iudgement aforesaid in our same Court before us remaining, acknowledged themselves to be satisfied by the

the said W. of the dammages costs and charges aforesaid; therefore by our said Court before us it is considered of that the said W. of those dammages costs and charges should be from thence in quiet, therefore we command you that from &c.

Charles &c. to the Marshal of the Marshalsea of the Lord the K. before him the said K. being, greeting, whereas A. D. lately was detained in our prison under your custody for default of Manucaptors at the suit of I. G. of a plea of Trespass and Assault to the damage as he said of 1000 l. and because the same A. in our Court before us hath found sufficient Manucaptors to answer the said I. and to satisfy the said I. if it should happen the said A. in any Action at the suit of him the said I. to be condemned; therefore we command you that you abstain from taking, attaching, imprisoning or him the said A. for that occasion any way molesting you, altogether supercede, and if &c.

A Superfedeas for a prisoner in the upper Bench after he hath put in Manucaptors.

Greeting, because in the record and proceffe, and also in the rendering of Judgement the plaint which was in our Court before Edm. Cook Knight, and his associates our Iustices of the Bench by our Writ between us and M. N. who as well for us as for himselfe did prosecute and P. P. late of L. in your County gent. Escheator of your County of 40 l. of debt which the said M. who as well for us as for himselfe did prosecute from the said P. did require as it is said manifest Error happened, to the great damage of him the said P. as by the viewing of the record and proceffe thereof, which before us by our certain Writ of error to our said faithful and well beloved E. C. knight, our chief Iustice of the Bench aforesaid, lately directed for cause of Error in the record and proceffe aforesaid to be corrected, we have caused to come to us manifestly appeareth, and the same P. in our Court before us, fearing himselfe by occasion of the Iudgement aforesaid to be very much inquieted and vexed unjustly; hath supplicated &c. which is just, and unwilling the same P. to be injured in the premises; and because it is not agreeable to right that any Execution of the debt aforesaid upon the Iudgement aforesaid against him the said P. in any thing should be executed untill the error thereupon if any shall be fully decided; therefore we command you, that if before the receiving of this Writ the said P. by occasion of the Iudgement aforesaid you have not yet taken, neither any otherwise have made execution of that Iudgement, then as well from further taking, arresting, imprisoning, requiring, outlawing, or in any wise molesting by the occasion aforesaid, as from causing to be made or levied any goods or chattels, lands or tenements of him the said E. in execution of the Iudgement aforesaid untill the plea upon our said Writ of Error be fully determined, you altogether supercede, witness &c.

A Superfedeas upon a Writ of Error upon an Information against an Escheator.

*Superfedeas
when the Defen-
dant appears and
files Common
Beyle.*

THe Keepers &c. greeting, whereas by our Writ we have lately commanded you that you should take A. B. if &c. (recite as in the alias Capias untill these words) to answer C. D. in a plea of Trespass, and because the said A. B. in the Court before us in the upper Bench at *Westminster* hath appeared at the day and place in the said Writ contained, to answer the said C. D. according to the forme and effect of the said Writ; therefore we command you that for ever you Superfede from further Attaching, imprisoning, or him the said A. B. for that cause any way molesting, and if you have taken him for that cause and no other, then upon your peril without delay you cause him to be freed from the prison where he is so detayned, witnesse, &c.

*Superfedeas up-
on a Capias ad
satisfaciendum,
when the plain-
tiff's bond is ac-
knowledge, sa-
tisfaction.*

THe Keepers of &c. whereas by our Writ we have lately commanded you that you should take A. B. if &c. (reciting the Execution untill these words) as it doth appeare to us upon Record; yet because the said C. D. in the Court before us in the upper Bench at *Westminster* did acknowledge that he was satisfied for the debt and damages aforesaid; therefore we command you that you for to ever Superfede from taking, attaching, or imprisoning, or him the said A. B. for that cause any wayes molesting, and if you have taken him the said A. B. for that cause (and no other) then without delay upon your perill you cause him to be delivered from that prison where he is so detained, if for that cause and no other he is detained, witnesse, &c.

Distringas.

Distringas Jur.

THe Keepers of &c. to the Sheriffs of *London* greeting, we command you that you distraine A. B. &c. (naming the 24 Jurors) Jurors summoned before us in the upper Bench between A. B. plaintiffe and C. D. by all their lands and chattels in your Bayliwick, so that neither they nor any by them put hands to those things, untill you have there of another precept from us and that of the issues thereof you answer to us so that you have their bodies before us in the upper Bench at *Westminster* on *Wednesday* next after five weeks of Easter, or before our faithfull and welbeloved *Henry Rolle* chiefe Iustice assigned to hold pleas in the Court before us in the upper Bench at *Westminster*, if

first

first he shall come on *Tuesday* the 21. of *May* at *Guildhall London*, by the forme of the Statute in such case lately made and provided, to make a certain Jury between the parties, in a plea of debt, and to hear their Judgements of many defaults, and then you have here the names of the Jurors and this Writ, witnesse, &c.

Venire. Facias.

THe Keepers, &c. to the Sheriffs of *London* greeting, we command you that you cause to come before us in the upper Bench at *Westminster* on *Wednesday*, &c. twelve Free and lawful men of the *Vilne* of the parish of blessed *Mary of Bow*, in the Ward of *Cheape London*, every one of which hath four pounds of Lands Tenements, or Rents by the year at the least, by whom the truth of the matter may better be known, and who neither the said *A. B.* plaintiff, nor *C. D.* Defendants have with any affinity to make a certain Jury between the parties aforesaid of a plea of debt, because as well the said *C. D.* as the said *A. B.* between whom thereof there is contention have put themselves into that Jury, and then you have there the names of the Jurors, and this Writ, witnesse, &c.

THe Keepers &c. (as above untill these words) have put themselves in that Jury, alwayes provided, that if two Writs shall thereby come to you, you onely execute and return one of them; and then you have there the names of the Jurors, and this Writ, witnesse &c, also the *Distringas Jur.* may be made with a proviso.

Superfedeas.

IAmes &c. to the Mayor and Bayliffs of *W. Earle of Pembroke* of his Town of *Nempore* greeting, because in the Record, and proceffe, and also in the rendering of Judgement the plaint which was before you in our Court of the Town aforesaid, without our Writ, according to the custome of the same Town, between *T. P.* and *M. P.* of a certain Trespasse upon the case to the said *T.* by the said *M.* done as is said

Superfedeas upon a writ of Error for the plaintiff in the Writ and his bail.

said manifest error happened, to the grievous damage of him the
 said *M.* as out of his complaint we have accepted, as by the record and
 proccesse thereupon between the parties aforesaid, of that plea by ver-
 dict of our Writ of correcting the Error, to you directed, and by you
 before us sent, and of record before us now remaining more fully ap-
 peareth; and now on the behalfe of the said *M.* in our Court before
 us we have accepted, that although the same *M.* did prosecute our said
 Writ for the Error, in the record aforesaid to be corrected, and that the
 plea upon our said Writ of Error in our said Court before us yet re-
 maineth undetermined, yet you after the allowing of our said Writ of
 Error before you after the record aforesaid by you before us sent, him
 the said *M.* and one *E. I.* Manucaptors of the said *M.* according to the
 custome of the Town aforesaid in the said plea to take and in Execution
 for the damages in the plaint aforesaid recovered to have, have indea-
 voured, & also diverse goods & chattels of the said *M.* & his Manucaptors
 have caused to be made & levied as out of the relation of the said *M.* in our
 C. before us we have been informed, and we being willing in this behalf
 to do that which is just, and being unwilling to injure the said *M.* in the
 premises to you and every one of you, we commanded, that from taking
 him the said *M.* or his Manucaptors aforesaid, or them or any of them
 in any thing by occasion of the premises molesting, and also from levy-
 ing any goods or chattels of the said *M.* or his Manucaptors aforesaid
 by reason of the Judgement aforesaid untill the plea upon our said
 Writ of error in our Court before us be determined, you altogether
 superfeede, and if them or either of them by that occasion and no other
 you take, or any of their or either of their goods and chattels by oc-
 casion of the premises, you have caused to be made or levied (after the
 record aforesaid, by reason of our said Writ of Error before us by
 you was sent) then them and either of them from the prison in which
 they or he is or are so detained, if by that occasion, and no other, he or
 they is or are detained, and all those goods and chattels to the said *M.*
 and to his Manucaptors without delay you cause to be delivered, wit-
 nesse &c.

*Superfedeas up-
 on a Writ of Er-
 rour the plaintiff
 in the writ pay-
 ing the money in-
 to the Court.*

Greeting, whereas in the record and proccesse, and also in the ren-
 dering of the Judgement of the plaint which was in our Court
 before our Justices of the Bench by our Writ between *I. C.* gent. and
I. W. late of &c. as well of a certain debt of 60*l.* which the same *I. C.*
 in our same Court before our same Justices of the Bench aforesaid re-
 covered against the said *I. W.* as of 6*l.* which to the same *I. C.* in our
 same Court were adjudged for his damages which he had by occasion
 of detaining of the debt aforesaid, whereof he is convicted, and
 whertupon our same Court before our said Justices of the Bench aforesaid
 it was lately considered of, that the said *I. C.* should have his Exe-
 cution against the said *I. W.* of the debt and damages aforesaid by the
 default

default of him the said I. W. manifest error happened to the grievous damage of him the said I. W. as by the inspection of the record and process thereupon, which before us lately for cause of Error in the same to be corrected we have caused to come, to us manifestly appeareth, and whereas you by our Writ we have lately commanded, that you should take the said I. W. if hee. and him safely &c. so that &c. before our said Justice at W. at a certain day in the said Writ mentioned and now past to satisfy the said I. C. of the debt and damages aforesaid, and because the said I. W. lately in our Court before us brought in the debt and damages aforesaid, which said monies in our same Court before us now remain ready to be delivered to the said I. C. if it should happen the said I. W. the aforesaid writ of correcting the Error not to prosecute with effect, or otherwise if the Judgements aforesaid against him the said I. W. should be affirmed; therefore we command you that from further taking, arresting, imprisoning, or him by that occasion any way molesting you altogether supersede; and if him the said I. W. for that occasion and no other, you have then taken him from the prison in which he is so detained, if upon that occasion and no other, he be detained without delay you cause to be delivered upon perfit thereon falling, witnesse, &c.

Scire Fac.

THe Keepers of the liberty of England by Authority of Parliament to the Sheriffe of *M.* greeting, whereas *M. P.* lately in the Court before us in the upper Bench at *W.* recovered against *K. W.* as well a certain debt of seventeen pounds four shillings & four pence, as nine pounds for his damages which he sustained as well by occasion of detaining of that debt, as for his costs and charges by him about his suit in that behalfe laid out: whereof he is convicted as it appeareth to us of record, and now on the behalfe of the said *M.* in the same Court before us in the upper Bench at *Westminster* we have accepted, that although the judgement aforesaid be rendred, yet the execution of the debt and damages, doth yet remain to be made, and whereas one *T. A.* of the parish of *St. M.* in the County of *M. E. D.* of the same parish and County &c. and *T. I.* of *W.* in the County of *M.* &c. formerly, that is to say, in the Term of *St. M.* last past in the same Court before us in the upper Bench at *Westminster* personally came, and did become pledges and Manucaptors, and every one of them by themselves,

themselves did become pledgers and Manncaptors for the said R. W. that if it should happen the said R. W. in the plea aforesaid to be convicted, that then they the said T. M. & T. granted, and every one of them by himself did grant as well the debt aforesaid as all such like damages which should be adjudged to the said M. P. in that behalfe of their and every of their Lands and chattels to be made, and to the use of the said M. to be levied if it should happen the said R. the debt and damages not to pay to the said M. nor himselfe to the prison of the Marshal of the Marshalsea of us the said Keepers in the upper Bench at *Westminster* to render, yet the said R. the said debt and damages aforesaid to the said M. hath not paid nor himselfe to the said prison of the Marshal of our Marshalsea before that occasion hath yet rendered as by the intimation of the said M. in the same Court before us in the upper Bench at *Westm.* we have accepted, whereupon the said M. hath supplicated us to provide for him a fit remedy in this behalfe, and we being willing in this behalf to do that which is just, we command you, as formerly we have commanded, that by honest and lawful men of your Bayliwick you make known to the said T. E. and T. that they be before us in the upper B. at *Westminster* on the next after the morrow of All-Soules, to shew if they or any of them have or know any thing to say for themselves wherefore the said M. ought not to have his Execution against them the said T. E. and T. of the debt and damages aforesaid, according to the force, form, and effect of the recovery aforesaid, as to them is shall seem expedient, and further to do and receive all and singular those things which the Court before us in the upper Bench at *Westminster*, of him shall consider in that behalfe, and have you then there the names of the Jurors, and this Writ, witnesse *H. Rolle* at *Westminster* &c.]

A Scire Fac. against an Executor in debt.

THe Keepers &c. as above in the first Scire Fac. untill these words, doth yet remain to be made of the goods and chattels aforesaid, and that the said C. D. after Judgement aforesaid, in forme aforesaid rendred is dead, and that one E. F. Executor of the last Will and Testament of the said C. D. whereupon the said A. B. hath supplicated us accordingly to provide remedy in that behalfe (as above untill after the return of the first Writ) to shew if he hath or knoweth any thing to say for himselfe; wherefore the debt and damages aforesaid, of the goods and chattels which were of the said C. D. at the time of his death, being in the hands and custody of the said E. F. to be administred ought not to be made, and to the use of the said A. B. levied according to the force, forme, and effect as above in the first, &c.

A scire fac. for an Administrator in debt.

THe Keepers &c. (as above in the first Scire Fac. untill these words) as it doth appeare to us upon Record, and now in the Court before us in

In the upper Bench at Westminster, comes E. F. Widdow, the Relict of the said A. B. and saith that after judgement aforesaid, in forme aforesaid rendered (that is to say) on &c. in the yeere &c. (naming the time the aforesaid A. B. at A. in your County dyed intestate, after whose death (that is to say) on &c. in the yeer &c. (naming the time) at A. aforesaid the Administration of all the goods and chattels, rights and credits which were of the said A. B. at the time of his death by &c. (to whom the Commission of the Administration of right did pertain) was committed to the said E. F. and now on the behalfe of the said E. F. in the said Court before us in the upper Bench at Westminster we have accepted, that although &c. (as above in other Writs of this sort.)

The Keepers &c. greeting, whereas C. D. lately deceased, lately in the Court before us in the upper Bench at W. by bill without Writ, and by the Judgement of the same Court recovered against E. F. thirteene pounds of debt, and also one and twenty shillings for his damages, which he sustained as well by occasion of detaining of that debt, as for his costs and charges by him about his suit in that behalfe disbursed, whereof he is convicted, as it appeareth to us of Record, and that the said C. after Judgement aforesaid in forme aforesaid, rendered at London made his last Will and Testament, and thereof did appoint and ordain A. B. his Executor, and afterwards there dyed; and now on the behalfe of the said A. B. in the Court before us in the upper Bench at Westminster have accepted, that although the Judgement thereof be rendered, yet the Execution of the debt and damages aforesaid doth yet remain to be made, whereupon the said A. B. hath supplicated us to provide for him a fit Remedy, in this behalfe, and we being willing in this behalfe to do that which is just, we command you that by honest and lawful men of your Bayliwick you make known to the said E. F. that he be before us in the upper Bench at Westminster on &c. to shew if he hath or knoweth any thing to say for himselfe wherefore the said A. B. ought not to have the Execution of the debt and damages aforesaid, according to the force forme and effect of the recovery aforesaid, if to him it shall seem expedient, and further to doe and receive that which the same Court before us in the upper Bench at Westminster shall consider of in that behalfe, and then you have there the names of them by whom you made known to him, and this Writ, witnesse &c.

A Scire Fac. for an Executor in deb.

Charles &c. to the Guardian of our prison of the Fleet greeting, whereas N. S. gent. was committed to our prison of the Fleet un-

* K k k

A Superfedas to the Warden of the Fleet, where the Defendant put in der good baile.

der your custody, there to remain until he should finde sufficient Manu-
captors in our Court before our Justices at W. to answer T. C. and I.
C. of a plea of debt, upon demand of 100 l. and to answer T. W. of
a plea of debt upon demand of 4000 l. yet because the same N. S. came
before T. R. our chiefe Justice in our Court of the Bench the 12 day of
J. (In such a yeere) at his dwelling house scituate in Chancery lane,
in the said County of *Middlesex*, and found sufficient Manucaptors to
answer the said T. C. I. C. and T. W. in the several pleas aforesaid;
therefore we command you that if the said N. D. for that occasion and
no other in our prison under your custody is detained, then him the
said N. you permit and suffer to goe at large, witnesse &c.

*The like upon sa-
tisfaction as
acknowledged up-
on a Judgement*

THe Keepers &c. to the Guardian of our prison of the Fleet greet-
ing, whereas I. I. late of L. gent. was committed to our prison of
the Fleet under your custody there to stay and remain untill he
should satisfie M. A. widdow of 112 l. which to the said M. were ad-
judged for her dammages which she had by occasion that she said I. did
not hold Covenant to the said M. between her the said M. and the said I.
made according to the force, forme, and effect of certain Indentures
thereupon between them made; whereof he is convicted; and where-
as the same M. afterwards dyed Intestate, after whose death Admini-
stration of all the goods and chattels which were of the said M. at
the time of her death, by the Lord *Charles* late King of *England*,
to one N. M. and S. his wife were committed, which said N. and S.
afterwards (that is to say) the sixteenth day of *November*, in the
yeere of our Lord one thousand six hundred forty and nine, by N. C.
their Attorney, by a special Warrant to him in that behalfe appoint-
ed and made, came into the Court of the Common Bench at *West-
minster*; and acknowledged that satisfaction is given to them of the
dammages aforesaid; therefore we command you that if the said I.
in our prison under your custody for that occasion and no other
is detained, then him the said I. you suffer and permit to goe at
large, on the perill thereon falling, witnesse, &c.

Second

Second Deliverance.

THe Keepers of the liberty of *England* by Authority of Parlia-
ment, to the Sheriffe of *Middlesex* greeting, if I. M. Esquire,
shall secure you of prosecuting his Plaint, and also of the re-
turn of the goods and chattels which to I. W. late in the Court
before us in the upper Bench were adjudged for the default of him the
said I. M. or of the price of the same, if the return thereof shall be
adjudged then the goods and chattels aforesaid of the said I. M. without
delay you cause to be delivered, and put by pledges and safe sureties the
aforesaid I. W. that he be before us in the upper Bench in three weeks of
the holy Trinity, wheresoever we shall then be in *England*, to answer
the said I. M. of the taking and unjustly detaining of the goods and
chattels aforesaid, and have you then the names of the pledges, and
this Writ, witnesse *Henry Rolle* at W. the 21 day of *June* 1652.

Restitution.

THe Keepers &c. to the Sheriffe of E. greeting, where as to our
Justices of the Bench at *Westminster* it is given to be understood
that G. I. W. C. I. G. R. C. (and others) were lately respec-
tively possessed of one Messuage &c. with the appurtenances
in your County (that is to say) the said G. of 19 Acres of &c. (and
so recite severally what every one of them were severally possessed of)
and they being so thereof respectively possessed, one E. C. gent. and E.
his wife the 12 day of A. 1649. at W. aforesaid had demised the Te-
nements aforesaid with the appurtenances by the name of one Messuage
&c. with the appurtenances in W. aforesaid, to one W. M. gent. to have
and occupy the Tenements aforesaid with &c. (recite as in the declara-
tion untill these words) his terme aforesaid not being ended, where-
upon afterwards (to wit) (such a terme) last past, it was in such
manner proceeded in the said Court of the B. at W. aforesaid before the
Justices of the same Court at the prosecution of the same W. M. in the
plea and Ejectment of Farme, that the same W. should recover against

* K k k 2

the

Restitution upon
an Ejectment
unduly obtained

Capias upon a Recognizance.

the said I. his terme &c. then to come by which by our Writ we commanded you that without delay you should cause the said W. M. to have his possession of his terme aforesaid then to come of and in the Tenements aforesaid with the appurtenances and you by vertue of the said Writ to you thereupon directed, the said G. W. C. I. (and the rest) from their respective possessions of their Tenements aforesaid, with the appurtenances have amoved, yet because to the same Justices of the Common Bench aforesaid, at W. aforesaid upon due Examination in that behalfe of the proceſſe in the cause aforesaid made it sufficiently appeareth, that the recovery aforesaid by the said W. M. against the said I. S. in forme aforesaid had, was had and obtained by fraud and covin, between the said W. M. and the said I. S. to eject the said G. W. C. I. (and the rest) from their respective possessions of the Tenements aforesaid, with the aforesaid appurtenances, and that our said Writ of having possession against the said I. S. thereupon unjustly and unduely issued forth; therefore we command you that without delay you restore the said G. W. C. (and the rest) to their respective possessions of the same Tenements with the appurtenances, witnesse &c.

Capias upon a Recognizance.

*Capias upon a
Recognizance or
Statute Mar-
chant.*

CHarles &c. to the Sheriffe of T. greeting, whereas the Lord James late King of England our deare Father then, to the Sheriff of T. by his Writ had commanded that the body of C. L. of &c. if he should be a Lay-man he should take and in the prison of the said late King should cause safely to be kept until I. B. of the City of T. Marchant of 180 l. should be fully satisfied, which the said C. the 10 day of June (in such a yeere) before W. R. then Mayor of the City of T. and W. S. Clarke appointed to take Recognizances of debts according to the form: of the Statute Marchant within the same City did acknowledge himselfe to owe unto the said I. which to him he ought to have paid upon the Feast of St. James the Apostle then next to come, and as the same precept should be executed he should cause to appeare to the Justices of the said late K. at W. in eight dayes of the Purification of blessed Mary (in such a year) of the late K. and the same Sheriffe of Y. to the Justices of the late King at W. at that day returned, that the said C. was a Lay man, and was not found in his Bayliwick, And therefore we command you as many times we have commanded, that the body of the said C. if he shall be found in your Bayliwick, you take and in our prison you cause safely to be kept untill the said I. of the debt aforesaid shall be fully satisfied in forme aforesaid, and as this our precept

process shall be executed, you cause to appear to our Justices at W; on &c. And have you &c.

A Writ of Inquiry in Replevin.

Charles &c. whereas W. C. was summoned to be in our Court before our Justices at W. to answer G. P. of a plea, wherefore he the said W. the 23. day of F. (in such a year) at T. in a certain place there called H. did take cattel (to wit) two sheep &c. of him the said G. and them unjustly detained against pledges and sureties, and whereas the said W. in our same Court appearing well avowed the taking of the cattel aforesaid in the aforesaid place called H. for that that the cattel aforesaid the aforesaid time of the taking of those cattel, the grasse in the same place then growing, did feed and damage there did do; whereupon it was considered of in our same Court, that the said G. and his pledges of prosecuting should be from thence into mercy, and that the said W. should goe thereof without day; it was also considered, that the aforesaid W. ought to recover against the said G. by occasion of the premisses; but because it is unknown what damages the same W. sustained by that occasion; therefore we command you that by the oath of honest and lawful men of &c. and the Inquisition which &c. witness &c.

A Writ of Inquiry damages for an Advowson for damage sustained after a non-suit in Replevin

A Procedendo.

Charles &c. to the Bayliffe of our hundred of G. and B. of our Dukedome of Lancaster greeting, whereas we have lately commanded to our Sheriffe of Norfolk, by our Writ, that taking with him four discreet and lawful knights of his County of N. in proper person he should come to our Court of Gallows and Brothencroft parcel of our Dukedome of Lancaster, and in that full Court he should cause to be recorded the plaint which was in our same Court between I. W. and I. N. gent. of a plea of Trespasse upon the case; and he should have that Record before our Justices at Westminster in eight days of St. Martin last past, under his seale, and the scales of four lawful men

A Procedendo upon a plaint removed out of inferior Court the damage being not above 40 s.

A Testat. Scire Fac.

men of the said Court, of them who were present to that Record, and he should prefix the same day to the parties aforesaid, who should be there in that plaint, as it should be just to proceed: at which day the said Sheriffe had the Record aforesaid, before our same Justices at W. and that record yet remaineth in the custody of our Justices at W. undetermined; Nevertheless because to our Justices at W. for certain causes them specially moving, and especially, because the damages which the said I. in that plaint hath supposed himselfe to have sustained, by reason of the premisses do not amount to 40.s. in which case it doth not belong to our Court to hold plea thereof, it is considered of in our said Court that the record or plaint aforesaid, should be sent back; therefore we command you that in the plaint aforesaid, in the Court of your Hundred you proceed, as in the same Court you ought to proceed, as if the plaint from our Court aforesaid, and in our Court before our said Justices at W. had not been had, witnesse T. Richardson, &c.

A Testat. Scir. Fac.

A Testat. Scire Fac. against a certain into the County of Lancster.

CHarles &c. to our Chancellour of our County Palatine of Lancaster, or to the holder of his place there greeting, whereas E. H. Knight, lately in the Court of the Lord James late King of E. (that is to say) in the Terme of E. (in such a year) before E. C. Kt. and his Aff. cles then Justices of the said late K. of the B. at W. by the consideration of the same Court, had recovered against E. E. late of &c. as well a certain debt of 200.l. as 60.s. which to the said E. H. in the same Court of the said late K. were adjudged for &c. of that debt whereof he is convicted, as by the record and processe thereupon in our Court before our Justices at W. remaining manifestly appeareth, yet the Execution of the Judgement aforesaid yet remaineth to be made, and the aforesaid E. E. is dead; and the said late K. after the Judgement aforesaid rendred by his Letters Patentes did create the said E. H. Barronet, by reason of which said Letters Patentes the same E. H. is now a Barronet, as by the insinuation of the said E. H. we have accepted; and because we are willing that those things which are rightly done to be brought to due execution, we command you that by our Writ under our seale of the County Palatine aforesaid duly to be made, you cause to be commanded to the Sheriffe of the same County, that by honest and lawfull men of his Bayliwick, he cause to be made known to the Tenants of the Lands and Tenements which were of the said E. E.

in

in Fee-simple from the day of E. in 15 days (in such a year) which day the Judgement thereupon was rendred, or at any time afterwards, in the County of *Lancaster*, that they may be before our Justices at W. in eight days of St. M. to shew if &c. wherefore the debt and damages aforesaid, of the Lands and Tenements which were of the said E. E. in Fee-simple the day of the rendring of the Judgement aforesaid, or at any time afterwards to be made, and to the said E. H. to be rendred, ought not according to the forme of the recovery aforesaid, if to him it shall seem expedient, and whereupon our Sheriffs of *London* returned to our Justices at W. from the day of the Holy Trinity in three weeks last past, that there are no Tenants or any Tenant of any the Lands or Tenements which were of the said E. E. in Fee-simple from the day of E. in 15 days (in such a year) aforesaid, or at any time afterwards in his Bayliwick to whom he could make known, whereas it is testified in our same Court that there are divers Lands and Tenements in the County of *Lancaster* aforesaid, which were of the said E. E. the aforesaid time of the rendring of the Judgement aforesaid, and a long time afterward, whereof the debt and damages aforesaid may be levied, and ought to be levied; and have you there the names of them by whom the same Sheriffe had made known unto them, and this Writ, witnesse &c.

Venire. Facias.

IT is commanded to the Sheriffe that because to come before the Keepers of the Liberty of *England* by Authority of Parliament on &c. twelve honest and lawful men of &c. by whom &c. and who neither F. G. plaintiffe, nor T. T. have any affinity with to make a certain Jury between the parties aforesaid, of a plea of debt, because as well &c. and he have there this precept, &c.

d'Venire Facias: Middlesex.

The King &c. you cause to come before us at W. (such a day) twelve honest and lawful men of your County of the neighbourhood of L. that doth extend it selfe as well in your County, as in the County of K. whereof every one hath &c. and who neither &c. to make a certain Jury between the parties aforesaid, together with the Jurors of the said County of K. of the neighbourhood of O. in a plea of debt, because as well &c. and have you &c.

The same in 1700: Counties.

To

*Ven. Est. where
the Defendant
pleaded that he
was never Ex-
ecutor.*

TO acknowledge upon their oath if the said I. F. at L. in the parish and Ward aforesaid made his Testament and last Will and appointed the said R. his Executor of the same Testament and last Will, as the same E. in our Court before us hath alleadged, or no, because as well &c.

Superfedeas.

*Superfedeas to
discharge an At-
torney, being ar-
rested upon
main process.*

THe Keepers of the Liberty of *England* by Authority of Parlia- ment to the Constable or Lieutenant of our Tower of *London*, and also to the Steward of our Court there, and other Mayors Sheriffs, Bayliffs, and Serjeants at Mace and other Officers whom it may concern greeting, whereas by the custome of the Court before us in the upper Bench at *Westminster*, hitherto it hath been obtained that all Attornies of the same Court other were then in the said Court should not be drawn into plea, nor in their bodies, goods or Chattels any wise vexed (pleas of Free-hold and Felony onely excepted) and now in the said Court before us in the upper Bench at *Westminster* on the behalfe of I. R. gent. (one of the Attornies of the same Court according to the liberties and priviledges of the same Court for such like Attornies used and approved) that one T. M. and other evil willers to the said Court and Officers of the same, the custome and priviledges of the same Court little esteeming the said I. R. in the Court before you the said Constable or Lieutenant, or the said Steward have drawn into plea, & others there and elsewhere have threatned to draw him into plea not a litle to his damage and grievance, and we being willing the dignity of the said Court to be observed unhurtful as us it becometh, we com- mand you (strictly as we can injoyning) that from further proceeding before you or any of you in any plea, plaint, or Attachment, or Bill original against the said I. R. before you the said Constable or Lieu- tenant or any other of you at the suit of the said T. M. or any other levied or affirmed by what name soever the said I. R. is censured in the same you do altogether surcease and supersede, and the said I. R. from prison and from your custody without delay you deliver or cause to be delivered under the peril thereon falling, telling on our behalfe the said T. M. and others so concerned, that they to the said Court before us should come, there to obtain Justice thereupon against the said I. R. if they will; and know you for certain that if to perform the pre- mises you shall forbear or the same slenderly to performe, shall persevere to the example of others grievously to be dealt with, witnesse *H. Kells* at *Westminster* &c.



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DIRECTING TO THE
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